VIRGINIA'S ATTITUDE TOWARD SLAVERY AND SECESSION

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VIRGINIA'S ATTITUDE TOWARD SLAVERY AND SECESSION

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BY

BEVERLEY B. MUNFORD

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TO
MY WIFE

PREFACE

This work is designed as a contribution to the volume of information from which the historian of the future will be able to prepare an impartial and comprehensive narrative of the American Civil War, or to speak more accurately —The American War of Secession.

No attempt has been made to present the causes which precipitated the secession of the Cotton States, nor the states which subsequently adopted the same policy, except Virginia. Even in regard to that commonwealth the effort has been limited to the consideration of two features prominent in the public mind as constituting the most potent factors in determining her action—namely, devotion to slavery and hostility to the Union. That the people of Virginia were moved to secession by a selfish desire to extend or maintain the institution of slavery, or from hostility to the Union, are propositions seemingly at variance with their whole history and the interests which might naturally have controlled them in the hour of separation. Yet how widespread the impression and how frequent the suggestion from the pen of historian and publicist that the great and compelling motives which led Virginia to secede were a desire to extend slavery into the territories and to safeguard the institution within her own borders, coupled with a spirit of hostility to the Union and the ideals of liberty proclaimed by its founders. To present the true attitude of the dominant element of the Virginia people with respect to these subjects is the work which the author has taken in hand.

As cognate to this purpose the effort has been made to show what was the proximate cause which influenced the great body of the Virginia people in the hour of final decision. There were unquestionably many and widely severed causes—some remote in origin and some immediate to the hour, yet it may be safely asserted that but for the adoption by the Federal Government of the policy of coercion towards the Cotton States, Virginia would not have seceded. That was the crucial and determining factor, which impelled her secession. She denied the right of the Federal Government to defeat by force of arms the aspiration of a people as numerous and united as those of the Cotton States to achieve in peace their independence. She believed that such a course and the exercise of such a power on the part of the Federal Government, if not actually beyond the scope of its powers as fixed in the constitution, were clearly repugnant to the ideals of the Republic, and subversive of the principles for which their Fathers had fought and won the battles of the Revolution. Upon the question, shall the Cotton States be permitted to withdraw in peace, or shall their aspirations be defeated by force of arms, Virginia assumed no new position. She simply in the hour of danger and sacrifice held faithful to the principles which she had oft-times declared and which have ever found sturdy defenders in every part of the Republic.

In the preparation of this volume the author has been the grateful recipient of the labors of many historians and publicists, accredited citations from whose works will be found throughout its pages.

In addition, he desires to acknowledge his indebtedness to the following gentlemen:

First and foremost, to Dr. Philip Alexander Bruce of

Virginia, for his generous sympathy and invaluable assistance, with respect to every feature of the book; also to Edward M. Shepard, Esquire, and Reverend Samuel H. Bishop of New York and to Colonel Archer Anderson and Henry W. Anderson, Esquire, of Richmond, for their kindness in reading his manuscript and making many helpful suggestions.

For none of the errors of the book, nor for any expression of opinion, are these gentlemen responsible.

Thanks are due and tendered to Dr. Herbert Putnam, Librarian of Congress, Dr. H. R. McIlwaine, State Librarian of Virginia, and Mr. W. G. Stanard, Corresponding Secretary of the Virginia Historical Society, and to their courteous assistants, for the generous use accorded the author of the wealth of historical data in the custody of those institutions.

In addition to the foregoing, acknowledgments are gratefully made to a great company of librarians, lawyers, antiquarians, clerks of courts, custodians of private manuscripts and others who have assisted the author in collecting from widely separated sections of the Union the mass of information from which he has drawn, in the preparation of this work. In many instances, the facts so kindly furnished do not appear, but have been of service to the author, in enabling him to form more accurate conclusions. The willingness exhibited by citizens of states, other than Virginia, to furnish information with respect to the subject under consideration, is indicative of a growing desire throughout the Union to know the facts and appreciate the viewpoint of our once separated but now united people. If this book, in presenting the attitude of Virginia, shall contribute to this result, it will afford the author the sincerest gratification.

Richmond, Virginia, June, 1909

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PART I

VIRGINIA'S ATTITUDE TOWARD SLAVERY AND SECESSION DEFINED

I

INTRODUCTION

The story of the American Civil War presents a subject fraught with interest, not destined to die with the passing years. Even the finality of the verdict then rendered on the issues joined will not abate the desire of men to fix with precision the political and ethical questions involved and the motives which impelled the participants in that deplorable tragedy. The sword may determine the boundaries of empire or the political destinies of a people, but the great assize of the world's thought and conscience tries again and again the merits of controversies and brings victor and vanquished to the bar of its increasingly fair and discriminating judgment.

What was the character of the War? Though one of the greatest wars of modern times, having its rise and fall before the eyes of all the world, yet men are to-day in doubt as to the true term by which to describe it.

Was it a Civil War? Such a conception omits the claim of the North that the Federal Government as such fought to maintain its constitutional supremacy, and the claim of the South that the seceding states but exercised their constitutional rights in seceding, and as states fought to maintain that principle. A civil war betokens one people, in the same country, subjects of the same power, at war among themselves. Here, though afore-time countrymen, when the battle was joined, there were two rival governments, and the territories of the contending parties

were distinguished, not by shibboleths and banners, but by rivers and mountain ranges. It was a sectional rather than a community war, a conflict between governments rather than between citizens of the same government.

Was it a Rebellion? Such a conflict indicates a revolt of citizens or subjects against their acknowledged sovereign. Whether in the United States the citizen owed allegiance to the Federal Government as against his State Government was a question upon which men had divided since the birth of the Republic. The men of the North responded to the call of the sovereign to whose allegiance they acknowledged fealty—the men of the South did the same. It was a battle between rival conceptions of sovereignty rather than one between a sovereign and its acknowledged citizens.

Was it a Revolution? A revolution is a successful movement of citizens or subjects against their sovereign. Here the identity of the Sovereign was in dispute, and the effort, though of unexampled magnitude, was unsuccessful. In addition the parties to the conflict held irreconcilable conceptions as to what constituted the right of revolution—one insisting that it was a God-given right inherent in any people sufficiently numerous to maintain a National existence; the other, that it was a mere power to strike, dependent upon success to prove the legitimacy of the claim.

The parties to the Conflict were not rival nations, but compatriots of the same flag; joint inheritors of the English Common Law and the ideals of liberty consecrated by centuries of heroic struggle; descendants of an ancestry knit in political sympathy by their successful battle for independence from the Mother Country, and the achievements by which they made their new-born nation great;

children of Puritan and Cavalier, Quaker and Huguenot; Dutchman and Catholic-Frenchman; men of strong individual and community traits, accustomed to rule and untutored in the art of surrender.

The causes of the War were deep-seated and complex. They were Old-World antagonisms, religious and political, antedating, and yet surviving, the settlements at Jamestown and Plymouth Rock, New Amsterdam, and New Orleans;—

The early development in the two great divisions of the country, of diverse economic conditions—a land of small farms and multiplied industrial activities confronting one of large plantations and agricultural supremacy;—

The Protective Tariff, at first enacted to secure for American manufactures a chance to compete successfully with those of the Old World, but, in its results, a burdensome system, under which the agriculturists of the South paid onerous tribute to the manufacturers of the North;—

Slavery—an institution which specialized more and more the interests of the South in the great exporting staples of cotton, rice and tobacco, driving manufactures and mining into the more hospitable regions of the North;—an institution whose life or death was within the exclusive power of the separate states where it was legalized, and yet the manifold incidents of whose existence were the subject of frequent National legislation, and hence ever recurring occasions of sectional strife;—an institution which quickened in time among the people of the non-slaveholding states the conviction that it was a sin, with the consequent charge that all responsible for its existence were parties to a crime, thus arousing the bitter resentment of devout men in the slaveholding states, who, protesting their innocence of wrong, challenged the right of their Northern brethren to sit in judgment upon them;—

The Annexation of Texas: A new cause and occasion for sectional jealousy, precipitating the war with Mexico, and bringing additional territory into the Union with fresh disputes over the powers of Congress in regard thereto;—

The Immense Foreign Immigration into the North and West;—thus developing in those sections the strongest sentiments of Nationalism, while the South, unaffected by any such forces, adhered to the early ideals of state pride and state supremacy;—

State Sovereignty versus National Supremacy;—the first, the shield behind which aggrieved minorities sought to curb arrogant majorities and safeguard the rights and interests of community life; the second, the ideal by which the preservation of the Union was to be assured and its dignity and power at home and abroad vindicated;—

The Missouri Compromise—its enactment and repeal, the controversies as to the power of Congress to prohibit slaveholders from migrating with their slaves into the territories, the enactment by Congress of the Fugitive Slave Law of 1850 and the attitude of certain Northern States in attempting to defeat its execution, the Underground Railroad, the decision in the Dred Scott case, the armed conflicts in Kansas, the John Brown Raid and the sympathy evinced at the North for the man and his venture; and finally:

The asserted right of the Cotton States to withdraw from the Union, and the declared purpose of the Federal Government to defeat their aspiration by force of arms.

Add to all the foregoing the vision of mighty armies struggling for mastery, the terrors and miseries of war—contrasted with the heroism and devotion which it aroused, and there results a combination of causes which will

continue to make their compelling appeal to the hearts and imaginations of men.

If the causes of the war were manifold and perplexing, the exact object for which each of the contending parties did battle is only less difficult of precise definition. A brief consideration of some of the many forms in which the popular voice has sought to express the conception will serve to illustrate the truth of this suggestion.

"The North fought to preserve the Union—the South, to destroy it."

That one great element of the Northern people took up arms at the call of the Federal Government to prevent a dismemberment of the Union is undoubtedly true. That another element regarded the maintenance of the Union under the existing constitution as unworthy of effort is equally true. The first went forth at the earliest call to preserve the Union under the old constitution; the second came later to the battle to fight for a Union with a constitution which should decree the abolition of slavery. That the Southern people sought to establish the independence of their new Confederacy and to that extent a dismemberment of the Union is true, but that they desired the destruction of the Union and the principles of liberty and law which its establishment was designed to assure are conclusions not easily deducible from their aspirations or necessities.

"The North fought for empire, the South for independence."

That the North fought to keep within the limits of the Union the domain stretching from the Potomac to the Rio Grande is true, but that the great mass of her people were actuated by a desire to hold the land as tributary and its people as subjects is not true. The splendid ideal

of a Republic, stretching from ocean to ocean, and securing to its growing millions the dual blessings which spring from National integrity and home rule, we may well believe was ever before them. That one great element of the Southern people fought for independence and all the inspiring ideals which the term implies is true, though it is equally true that joined with them in the battle were states the dominant elements of whose people cherished no primal desire for separation from the Union, but resisted the authorities of the latter because of their convictions that its policy of coercion was illegal and destructive of the principle upon which the Republic had been founded.

"The North fought to destroy slavery; the South, to extend and maintain it."

That slavery was the most potent factor in developing the conditions which finally precipitated war is true. That the two parties to the conflict joined battle upon the issue of its maintenance or destruction seems inconsistent with their solemnly declared purposes and promises, made at the time. President Lincoln at his inauguration proclaimed: "I have no purpose directly or indirectly to interfere with the institution of slavery in the states where it exists. I believe I have no lawful right to do so, and I have no inclination to do so." This pledge of the President was but a reaffirmation of the platform of his party, and both were, in turn, confirmed by the declaration of Congress that the war was fought, "to defend and maintain the supremacy of the constitution and to preserve the Union with all the dignity, equality and rights of the several states unimpaired."

President Davis presented the attitude of his people and government when he declared: "All we ask is to be let alone—that those who never held power over us shall

not now attempt our subjugation by arms." And after three years of desperate war, he declared to the representatives of President Lincoln:—

"We are not fighting for slavery. We are fighting for independence. . . . Say to Mr. Lincoln for me that I shall at any time be pleased to receive proposals for peace, on the basis of our independence. It will be useless to approach me with any other."[1]

That the people of America in the nineteenth century of the Christian era should have resorted to war in order to settle questions of constitutional and moral right must forever constitute an impeachment of the capacity for self-government and the ethical standards of the men responsible for its occurrence.

The charge that the people of twenty-three states in four of which slavery was legalized arose in arms against their fellow-citizens of the remaining eleven and, despite the constitutional safeguards with which the institution in the latter states was confessedly surrounded, invaded their land, burnt thousands of their homes and killed tens of thousands of their citizens in a desperate determination to destroy slavery, is as compromising to American character as the counter accusation that the people of eleven states, with no existing menace to their constitutional rights in regard to slavery, resorted to secession and aggressive war in order to secure new guarantees for the safety of the institution. Charges so dishonoring to the American people should not be made and above all should not be accepted as true—unless compelled by the inexorable facts of history.

"The South fought for States' Rights—Home Rule; the North, for Federal rights—National Supremacy."

[1] *History of the United States*, Rhodes, Vol. IV, p. 515.

In the large measure of truth contained in this declaration lay the profound tragedy of the Civil War—a battle for the supremacy of one of two ideals, thus brought into antagonism, upon the maintenance of both of which, in their true proportions, depended so largely the success of the unique experiment in government established by the Fathers. In this union of states how were the rights of personal liberty and community life to be harmonized with the National ideals and powers essential to its preservation? Liberty and law—the consent of the governed and the integrity of the Government—how were these great ends to be assured? From the birth of the Republic, there were views radically divergent as to the character and powers of the government then created; and there were aspirations of devoutest patriotism alike yearning for the triumphs of liberty and law, though seeking these ideals by policies almost irreconcilable. Thus, upon the fair prospect of the new Republic, there lowered from its natal hour forebodings of strife and separation. With these warring ideals, intensified by divergent economic and political interests, there arose the forces which drove the shuttle of discord back and forth through the web and woof of the nation's life, and wrought the forbidding pattern of sectionalism, division and hate. What were the causes—what the issues—of that "strange and most unnatural" war? What were the motives which impelled the people of the South, utterly unprepared for battle, to risk the unequal contest, and never to desist until the hand of destruction had paralyzed the very heart of effort? What were the motives which impelled the people of the North to give without stint their wealth of blood and treasure; to marshal armies more numerous than those with which Napoleon confronted a world in arms, and,

for four years, to hurl them against the homes of their brethren?

Analysis is the foe of confusion and the friend of the light. Motives and methods, grouped and commingled, present difficulties of right appreciation which ofttimes vanish if separated into their component parts.

The commonwealth of Virginia bore a not inconspicuous part in the Civil War. It will subserve the cause of truth and assist to a clearer understanding of the complex conditions referred to, if we endeavor to portray the motives which impelled the people of this one state during those fateful days of 1860-61.

II

Virginia: Slavery and Secession

It is not questioned that among the people of Virginia were men of widely divergent views; Secessionists of the most ultra type, insisting on the state's right to secede, and demanding her immediate withdrawal from the Union; anti-secessionists of the strongest mould, denying the right of secession and protesting against its attempted exercise; Unionists who admitted the right in the state, as a desperate measure of relief, but denying that any such occasion had arisen; advocates of slavery who regarded the institution as approved of Heaven,—a blessing to the blacks, and essential to the safety of the whites; apostles of emancipation who denounced slavery and called for its abolition; men who would make Virginia "neutral territory" between the hostile sections, and those who would fight for her rights, but "fight within the Union."

None of these elements, separately, spoke the sentiments of the majority, nor represented the controlling force in her citizenship. We shall accept as the true expression of the dominant element the returns from the ballot box, the enactments of her legislative and constitutional assemblies, and the deliverances of her great sons. Tried by these criteria, it may be truthfully declared that the institution of slavery was regarded with disfavor by a majority of her people; that they tolerated its existence as a *modus vivendi* to meet the dangers and

difficulties of the hour, but looking forward to the time when the increase of her white population from within and without, and the decrease of her blacks by emigration and colonization would render feasible its abolition, with a maximum of benefit to the slaves and their owners, and a minimum of danger to society and the state; that while cherishing an almost romantic love for their commonwealth, they felt genuine loyalty to the Union, and contemplated with profound sorrow the suggested withdrawal therefrom of any group of states; and, finally, that they carried their state out of the Union and into the Southern Confederacy because the authorities of the former sought by force of arms to defeat the latter in their efforts to achieve independence, and demanded of Virginia her quota of men to accomplish the deed.

Secession they deplored because it broke the married calm of a union which its makers fondly hoped would endure forever, but war upon the states seeking independence they also deplored, because subversive of the principles upon which the Union was founded. Could the Federal Government deny to six millions of people the boon of independence which they were seeking by orderly and peaceful methods, and still remain true to the principles of the great Declaration, to maintain which the Fathers of the Republic had fought and won the battles of the Revolution? Have people the right to determine for themselves their political destiny? Are the just powers of governments to be measured by the consent of the governed? These were the questions which, carrying their own answers, impelled the Virginian opponents of coercion in 1861 to stand, as they believed, for the political and ethical principles which the Flag symbolized, rather than for the Flag itself.

That Virginia revered the institution of slavery, and from selfish motives fought to make more sure the muniments of its existence; that she desired the destruction of the Union, and the degenerate abandonment of the inspiring dreams of liberty and progress, which it was designed to assure,—are propositions unthinkable to men acquainted with her history and the genius and aspirations of her people. It was for no such cause that she gave her sons to the sword, and her bosom as the battle-ground for the fiercest war of modern times. Her people fought because they felt the occasion made its imperious demand upon their duty and their honor. Virginia had persistently declared that the right asserted by the Cotton States was God-given and inalienable. Thus her sense of honor, as well as the imperilled right of self-government, impelled her to battle.

Twenty years after the surrender at Appomattox Lord Wolseley wrote: "The Right of Self-Government which Washington won, and for which Lee fought, was no longer to be a watchword to stir men's blood in the United States."[1]

We need not accept the conclusion of this distinguished soldier that the cause of self-government no longer commands the allegiance of the American people, in order to believe that amid the trials and conflicts of the Civil War Virginia stood faithful for the vindication of that great principle.

[1] *R. E. Lee*, Wolseley, p. 51.

PART II

VIRGINIA DID NOT SECEDE IN ORDER TO EXTEND SLAVERY INTO THE TERRITORIES, OR TO PREVENT ITS THREATENED DESTRUCTION WITHIN HER OWN BORDERS

III

Virginia's Colonial Record with Respect to Slavery

President Lincoln in his inaugural address declared:—"One section of our country believes slavery is right and ought to be extended, while the other believes slavery is wrong and ought not to be extended. This is the only substantial dispute."

Other voices proclaimed that there existed an "irrepressible conflict" between the North and the South in which the abolition or maintenance of slavery was the gage of battle. The two assertions may be combined and the question considered whether Virginia seceded either to extend slavery into the territories or to perpetuate the institution within her borders.

In considering these questions it will be well to review Virginia's record with respect to slavery both during the period of her existence as a colony and her career as a state;

To collate the sentiments of her great sons antagonistic to the institution;

To show the small number of her citizens holding slaves as compared with the great company of those who possessed no such interest;

To note the injurious effects upon her prosperity resulting from the presence of the institution;

To summarize what were considered the almost insuperable difficulties which embarrassed every plan of emancipation—difficulties that were augmented and in-

tensified by the bitterness and partizanship with which, during the three decades immediately preceding the Civil War, the subject had become invested;

To present the situation with respect to the controversy at the time Virginia seceded from the Union; and finally,

To consider the effects, if any, upon her position, of President Lincoln's Proclamations of Emancipation issued subsequent thereto.

African slaves were first brought to Virginia in 1619 by a Dutch vessel. George W. Williams, the negro historian of his race in America, says, "It is due to the Virginia colony to say that the slaves were forced upon them."[1]

Though slaves were thus introduced as early as 1619, it was not until 1661 that the institution of slavery was recognized in Virginia by statute law.[2]

For a long period after their first introduction, very few slaves were imported. At the end of the first half-century there were only some two thousand, and as late as the year 1715 they numbered only about twenty-five thousand. In the sixty years, however, immediately preceding the Revolution, they came in ever-increasing numbers, so that at the latter date they almost equalled the white population of the colony.[3]

With the great increase of this element in the population, the colonists were quick to realize their danger[4] and numerous acts were passed by the Colonial Legislature designed to lessen, if not actually to stop, further im-

[1] *History of the Negro Race in America*, Williams, Vol. 1, p. 119.
[2] *History of Slavery in Virginia*, Ballagh, p. 34.
[3] *History of the Negro Race in America*, Williams, Vol. 1, p. 133.
[4] A letter from the celebrated Colonel William Byrd of "Westover" to Lord Egmont, under date of July 12, 1736, will serve to illustrate this fact. Colonel Byrd writes, "Your Lord's opinion concerning Rum and Negroes is certainly very just, and your

portations. Alluding to these efforts of the Virginia people, Mr. Bancroft says:

"Again and again they had passed laws restraining the importation of negroes from Africa, but their laws were disallowed. How to prevent them from protecting themselves against the increase of the overwhelming evil was debated by the King in Council; and on the 10th of December, 1770, he issued an instruction under his own hand commanding the Governor 'upon pain of the highest displeasure, to assent to no laws by which the importation of slaves should be in any respect prohibited or obstructed.'"[1]

Edmund Burke, in his speech on conciliating America, in response to the suggestion that the slaves might be freed and used against the colonies, said,

"Dull as all men are from slavery, must they not a little suspect the offer of freedom from the very nation which

excluding both of them from your colony of Georgia will be very happy. . . .

I wish, my Lord, we could be blessed with the same prohibition. They import so many negroes here that I fear this colony will some time or other be confirmed by the name of New Guinea. I am sensible of the many bad consequences of multiplying the Ethiopians amongst us. They blow up the pride and ruin the Industry of our White People, who seeing a Rank of poor creatures below them, detest work for fear it should make them look like slaves. Then that poverty which will ever attend upon Idleness disposes them as much to pilfer as it does the Portuguese. . . .

But these private mischiefs are nothing if compared to the publick danger. It were therefore worth the consideration of a British Parliament, my Lord, to put an end to this unchristian traffick of making merchandise of our Fellow Creatures. At least, the further importation of them into our Colony should be prohibited lest they prove as troublesome and dangerous elsewhere as they have been lately in Jamaica. . . . All these matters duly considered, I wonder the Legislature will Indulge a few ravenous traders to the danger of the Publick Safety." (From Unpublished Byrd Manuscripts at Lower Brandon, Va.)

[1] *History of United States*, Bancroft, Vol. III, p. 410.

had sold them to their present masters—from that nation, one of whose causes of quarrel with those masters is their refusal to deal any more in that inhuman traffic. An offer of freedom from England would come rather oddly, shipped to them in an African vessel, which is refused an entry into the ports of Virginia or Carolina, with a cargo of three hundred Angola Negroes."[1]

In addition to legislative enactments, appeals were addressed directly to the throne. But the great personages interested in the slave trade proved more influential with the King than the prayers of his imperilled people. There is something at once pathetic and prophetic in the appeals made by these Virginians to their sovereign against the slave trade. The petition presented by the House of Burgesses in 1772 recites:

"We implore your Majesty's paternal assistance in averting a calamity of a most alarming nature. The importation of slaves into the colonies from the coast of Africa hath long been considered as a trade of great inhumanity, and under its present encouragement we have too much reason to fear will endanger the very existence of your Majesty's American dominions. We are sensible that some of your Majesty's subjects may reap emoluments from this sort of traffic, but when we consider that it greatly retards the settlement of the colonies with more useful inhabitants and may in time have the most destructive influence, we presume to hope that the interests of a few will be disregarded when placed in competition with the security and happiness of such numbers of your Majesty's dutiful and loyal subjects. We, therefore, beseech your Majesty to remove all these restraints on your Majesty's Governor in this colony which inhibits their assenting to such laws as might check so pernicious a consequence."[2]

[1] *Burke's Works*, Little, Brown & Co.'s. Ed., Vol. II, p. 135.

[2] *Journal of House of Burgesses*, p. 131, and *Tucker's Blackstone*, appendix, note H. Vol. II, p. 351.

This petition was reported from a Committee of the House which included Edmund Pendleton, Richard Henry Lee, Benjamin Harrison and others of equal prominence.[1]

But the King and Ministers continued to turn deaf ears and except with respect to more moderate measures the Royal Veto was interposed to annul all anti-slavery laws.

Chief among the causes which aroused the opposition of the Virginia colonists and placed them in the forefront of the Revolution was the course of the King with respect to this momentous subject. When Thomas Jefferson came to write the Declaration of Independence and to epitomize the grounds of indictment which the colonists presented against the British King, it was the latter's veto of the laws passed by Virginia to suppress the slave trade, and the active aid lent by his Government to force the captives of Africa upon his defenseless subjects, that evoked the fiercest arraignment in that historic document. Mr. Jefferson declared:

"George the Third has waged cruel war against humanity itself, violating its most sacred rights of life and liberty, in the persons of a distant people who never offended him; captivating and carrying them into slavery in another hemisphere, or to incur a miserable death in their transportation thither. This piratical warfare, the opprobrium of infidel powers, is the warfare of the Christian King of Great Britain. Determined to keep open a market where men should be bought and sold, he has prostituted his negative by suppressing every legislative attempt to prohibit, or to restrain, this execrable commerce. And that this assemblage of horrors might want no fact of distinguished dye, he is now exciting these very people to rise in arms among us, and to purchase that liberty of

[1] *Defense of Virginia,* Dabney, p. 48.

which he has deprived them, by murdering the people on whom he obtruded them; thus paying off former crimes committed against the liberties of one people with crimes which he urges them to commit against the lives of another."[1]

"These words," says Mr. Bancroft, "expressed precisely what had happened in Virginia."

That this portion of the Declaration was stricken out by Congress before its formal presentation to the world does not negative the fact that, in thus declaring, Mr. Jefferson proclaimed the sentiments of his native state. It was ominous of her future experience with respect to this baneful subject, that the voice of Virginia was then silenced in deference to the states of the far South and certain of their Northern sisters. Mr. Jefferson has left upon record that this clause in the Declaration of Independence was stricken out:

"In compliance to South Carolina and Georgia, who had never attempted to restrain the importation of slaves, and who, on the contrary, still wished to continue it. Our Northern brethren also, I believe, felt a little tender under these censures, for though their people had very few slaves, yet they had been pretty considerable carriers of them to others."[2]

The biographers of Abraham Lincoln, Nicolay and Hay, say:

"The objections of South Carolina and Georgia sufficed to cause the erasure and suppression of the obnoxious paragraph. Nor were the Northern States guiltless; Newport was yet a great slave mart, and the commerce of

[1] *History of United States*, Bancroft, Vol. IV, p. 445.
[2] *Writings of Thomas Jefferson*, P. L. Ford, 1892, p. 28.

New England drew more advantages from the traffic than did the agriculture of the South."[1]

But the position of Virginia with respect to slavery and the vetoes of George III and the slave trade was not left to be determined by unofficial utterances though coming from one of her greatest sons. As early as 1774 her people registered their sentiments in the most varied and emphatic forms. Mass meetings in many of the counties adopted resolutions, the purport and tenor of which may be gathered from those of Fairfax County,—"We take the opportunity of declaring our most earnest wishes to see an entire stop forever put to such a wicked, cruel and unnatural trade."[2]

In August, 1774, the Virginia Colonial Convention resolved: "We will neither ourselves import, nor purchase any slave or slaves imported by any other person, after the first day of November, next, either from Africa, the West Indies or any other place."[3]

On the fifth of September, 1774, when the Continental Congress assembled for the first time, her delegates in that body submitted the memorial known in history as, "A Summary View of the Rights of British America," in which the course of George III was arraigned and the sentiments of Virginia in regard to the slave trade declared as follows:

"For the most trifling reasons, and sometimes for no conceivable reason at all, His Majesty has rejected laws of the most salutary tendency. The abolition of domestic slavery is the great object of desire in those colonies, where it was, unhappily, introduced in their infant state.

[1] *Abraham Lincoln, A History,* Nicolay & Hay, Vol. I, p. 314.
[2] *Suppression of the Slave Trade,* DuBois, p. 43.
[3] *Idem,* p. 43.

But, previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa. Yet, our repeated requests to effect this by prohibitions, and by imposing duties which might amount to a prohibition, have been hitherto defeated by His Majesty's negative; thus preferring the immediate advantage of a few British Corsairs to the lasting interests of the American States, and to the rights of human nature deeply wounded by this infamous practice."[1]

The representatives from Virginia in the Continental Congress were active in their efforts to secure the adoption of the Non-Importation Agreement which included a resolve to discontinue the slave trade and a pledge neither to hire "our vessels nor sell our commodities or manufactures to those who are concerned in it."[2]

W. E. B. DuBois declares: "Virginia gave the slave trade a special prominence and was in reality the leading spirit to force her views on the Continental Congress."[3]

Nor were these resolves of the Virginia people idle, for numerous evidences can be cited of the activity of her vigilance committees. At Norfolk, the committees, finding that one John Brown had purchased slaves from Jamaica, reported that we "hold up for your just indignation Mr. John Brown, merchant of this place . . . to the end . . . that every person may henceforth break off all dealings with him."[4]

Two years later, but before the proclamation of the Declaration of Independence, Virginia adopted a written constitution and Bill of Rights. In the preamble to the former there are set forth the reasons which influenced

[1] *Writings of Thomas Jefferson*, Ford, 1892, Vol. I, p. 440.
[2] *Suppression of the Slave Trade*, DuBois, p. 45.
[3] *Idem*, p. 43.
[4] *Idem*, p. 47.

the colony to cast off her allegiance to the British King. Among the foremost was his action in "perverting his kingly powers," . . . "into a detestable and insupportable tyranny by putting his negative on laws the most wholesome and necessary for the public good"; and again, for "prompting our negroes to rise in arms among us—those very negroes whom, by an inhuman use of his negative, he hath refused us permission to exclude by law."[1]

Her Bill of Rights opened with the then novel and far reaching declaration:

"That all men are by nature equally free and independent, and have certain inherent rights, of which when they enter into a state of society, they cannot, by any contract deprive or divest their posterity; namely the enjoyment of life and liberty, with the means of acquiring and possessing property and pursuing and obtaining happiness and safety."[2]

With respect to this great document, Mr. Bancroft declares:

"Other colonies had framed Bills of Rights in reference to their relations with Britain; Virginia moved from charters and customs to primal principles; from the altercation about facts to the contemplation of immutable truth. She summoned the eternal laws of man's being to protest against all tyranny. The English Petition of Right, in 1688, was historic and retrospective; the Virginia declaration came out of the heart of nature and announced governing principles for all peoples in all times. It was the voice of reason going forth to speak a new political world into being. At the bar of humanity Virginia gave the name and fame of her sons as hostages that her public

[1] *Hening's Statutes*, Vol. IX, pp. 112-113.
[2] *Idem*, p. 109.

life should show a likeness to the highest ideals of right and equal freedom among men."[1]

This Bill of Rights was incorporated in every subsequent constitution of Virginia and is to-day a part of her organic law. Two months after its first adoption came the Declaration of American Independence. The words of Mason: "That all men are by nature equally free and independent," are re-echoed in the words of Jefferson, "That all men are created equal," and both declare that among the inalienable rights of man are "life, liberty and the pursuit of happiness."

To these principles, Virginia acknowledged allegiance; to the Bill of Rights, by the unanimous vote of her Constitutional Convention; and to the Declaration of Independence by the united voices of her delegates in the Continental Congress. The institution of slavery could not square with these great canons. Henceforth its existence in Virginia could be justified only by the difficulties and dangers attending its abolition.

These recitals bring us down to the close of Virginia's life as a colony, and the assumption by her people of the rights and obligations of statehood. In the more than one hundred and fifty years of her colonial existence—despite protests, appeals and statutes—the inflowing tide from Africa had continued, so that out of a population of some six hundred thousand souls, over two-fifths were negro slaves. It was amid such conditions that Virginia met the problems incident to her birth into statehood, bore her part in founding the Republic, furnished her quota of soldiers to resist the armies of Great Britain, and held with fixed determination her ever advancing border line against the craft and courage of the Red Men.

[1] *History of United States*, Bancroft, Vol. IV, p. 419.

IV

Virginia's Statute Abolishing the African Slave Trade and Her Part in Enacting the Ordinance of 1787

Foremost among the laws enacted by her General Assembly after Virginia's declaration of independence from British rule was her celebrated statute prohibiting the slave trade. This act was passed in 1778—thus antedating by thirty years the like action of Great Britain. By this law, it was provided, "that from and after the passing of this act no slaves shall hereafter be imported into this commonwealth by sea or land, nor shall any slaves so imported be sold or bought by any person whatsoever." The statute imposed a fine of one thousand pounds upon the person importing them for each slave imported, and also a fine of five hundred pounds upon any person buying or selling any such slave for each slave so bought or sold. The crime of bringing in slaves is still further guarded against by a provision which declares that every slave "shall upon such importation become free."[1] Of this act, Mr. Ballagh, in his *History of Slavery in Virginia*, says, "Virginia thus had the honor of being the first political community in the civilized modern world to prohibit the pernicious traffic."[2]

Next in the sequence of great events linked with this subject was the work of her sons in the preparation and

[1] *Hening's Statutes*, Vol. IX, p. 471.
[2] *History of Slavery in Virginia*, Ballagh, p. 23.

adoption of the ordinance for the government of the northwest territory. This imperial domain from which have been created the states of Ohio, Indiana, Illinois, Michigan and Wisconsin had been conquered by her soldiers, led by her son, George Rogers Clark, acting under a commission of her Governor, Patrick Henry, and her Council.[1] "Virginians," says Mr. Bancroft, "in the service of Virginia." Virginia claimed the country as comprised within the limits fixed by her colonial charter. Massachusetts, Connecticut and New York also asserted claims, but, as John Fiske declares, "It was Virginia that had actually conquered the disputed territory."[2] And again he writes, "Virginia gave up a magnificent and princely territory of which she was actually in possession."[3] When, by the valor of her sons, Virginia had won the land from the English and the Indians, she silenced the murmurings of sister states and consummated the efforts for union by formally relinquishing the great domain to the common weal.

The day that Virginia's deed of cession, March the first, 1784, was accepted by the Continental Congress, Mr. Jefferson reported his bill—the Ordinance of 1784. This measure was one of far reaching importance in that it provided not only for many of the governmental needs of this great territory, but declared that after the year 1800, slavery should never exist in any portion of the vast domain west of a line drawn north and south between Lake Erie and the Spanish dominions of Florida. Had this clause been retained in the ordinance, slavery would have been excluded not only from the five states created

[1] *Life of Patrick Henry*, W. W. Henry, Vol. I, p. 583.
[2] *Critical Period of American History*, Fiske, p. 191.
[3] *Idem*, p. 195.

out of the northwest territory but from the country south of it and from which were subsequently formed the states of Kentucky, Tennessee, Alabama and Mississippi.

This provision of the ordinance, however, failed of adoption—the votes of six states being recorded in its favor, one less than the requisite majority. Mr. Jefferson's colleagues present, Hardy and Mercer, refused to join him in voting for this novel enactment. Its failure was a matter of profound regret to its author. In a letter to M. de Munier, Mr. Jefferson wrote:

"The voice of a single individual of the state which was divided, or one of those which were of the negative, would have prevented this abominable crime from spreading itself over the new country. Thus we see the fate of millions unborn hanging on the tongue of one man and Heaven was silent in that awful moment."[1]

This ambition of Mr. Jefferson was not destined to complete defeat. Three years later, the now celebrated Ordinance of 1787 was enacted into law. "No one was more active," says Mr. Fiske, "in bringing about this result than William Grayson of Virginia, who was earnestly supported by Lee."[2]

Mr. Bancroft says:

"Thomas Jefferson first summoned Congress to prohibit slavery in all the territory of the United States; Rufus King lifted up the measure when it lay almost lifeless on the ground, and suggested the immediate instead of the prospective prohibition; a Congress composed of five Southern States to one from New England and two from the Middle States, headed by William Grayson, supported by Richard Henry Lee, and using Nathan

[1] *Writings of Jefferson*, Ford, Vol. IV, p. 181.
[2] *Critical Period of American History*, Fiske, p. 205.

Dane as scribe, carried the measure to the goal in the amended form in which King had caused it to be referred to a committee; and, as Jefferson had proposed, placed it under the sanction of an irrevocable compact."[1]

The ordinance as passed contained many provisions in addition to those set out in Virginia's deed of cession. It was necessary, therefore, that Virginia should by proper enactment reaffirm her deed. The General Assembly of Virginia at its next session accordingly passed an act fixing for all time the validity of both deed and ordinance.[2] Mr. Bancroft says:

"A powerful committee on which were Carrington, Monroe, Edmund Randolph and Grayson, successfully brought forward the bill by which Virginia confirmed the ordinance for the colonization of all the territory then in the possession of the United States, by freemen alone."[3]

Thus the old commonwealth which had won the land from England and the Indians bore a foremost part in the legislative work by which slavery was forever excluded from the empire north of the Ohio River.

[1] *History of United States*, Bancroft, Vol. VI, p. 290.
[2] *Hening's Statutes*, Vol. XII, p. 780.
[3] *History of United States*, Bancroft, Vol. VI, p. 291.

V

Foreign Slave Trade and the Constitution: Virginia's Position

The supreme opportunity for suppressing the importation of slaves and thus hastening the day of emancipation came with the adoption of the Federal Constitution. As we have seen, with every increase in the number of slaves the difficulties and dangers of emancipation were multiplied. The hope of emancipation rested in stopping their further importation and dispersing throughout the land those who had already found a home in our midst. To put an end to "this pernicious traffic" was therefore the supreme duty of the hour, but despite Virginia's protests and appeals the foreign slave trade was legalized by the Federal Constitution for an additional period of twenty years. The nation knew not the day of its visitation—with blinded eyes and reckless hand it sowed the dragon's teeth from which have sprung the conditions and problems which even to-day tax the thought and conscience of the American people.

This action of the convention is declared by Mr. Fiske, to have been "a bargain between New England and the far South."

"New Hampshire, Massachusetts and Connecticut," he adds, "consented to the prolonging of the foreign slave trade for twenty years, or until 1808; and in return South Carolina and Georgia consented to the clause empowering Congress to pass Navigation Acts and other-

wise regulate commerce by a simple majority of votes."[1]

George W. Williams, the negro historian, avers that,

"Thus, by an understanding or, as Gouverneur Morris called it, 'a bargain' between the commercial representatives of the Northern States and the delegates of South Carolina and Georgia, and in spite of the opposition of Maryland and Virginia, the unrestricted power of Congress to enact Navigation Laws was conceded to the Northern merchants; and to the Carolina rice planters, as an equivalent, twenty years' continuance of the African slave trade."[2]

Continuing, Mr. Fiske says, "This compromise was carried against the sturdy opposition of Virginia." George Mason spoke the sentiments of the Mother-Commonwealth when in a speech against this provision of the constitution, which reads like prophecy and judgment, he said:

"This infernal traffic originated in the avarice of British merchants. The British Government constantly checked the attempts of Virginia to put a stop to it. The present question concerns, not the importing states alone, but the whole Union. . . . Maryland and Virginia, he said, had already prohibited the importation of slaves expressly. North Carolina had done the same in substance. All this would be in vain if South Carolina and Georgia be at liberty to import. The Western people are already calling out for slaves for their new lands; and will fill that country with slaves if they can be got through South Carolina and Georgia. Slavery discourages arts and manufactures. The poor despise labor when performed by slaves. They prevent the emigration of whites, who really enrich and strengthen a country. They produce the most pernicious effect on manners. Every master of slaves is born a petty tyrant. They bring the judgment of Heaven on a country. As nations cannot be rewarded or punished in the next world, they must be in this. By an inevitable chain of causes

[1] *Critical Period of American History*, Fiske, p. 264.
[2] *History of Negro Race in America*, Williams, Vol. I, p. 426.

and effects, Providence punishes National sins by National calamities. He lamented that some of our Eastern brethren had, from a lust of gain, embarked in this nefarious traffic. As to the states being in possession of the right to import, this was the case with many other rights, now to be properly given up. He held it essential, in every point of view, that the General Government should have power to prevent the increase of slavery."

"But these prophetic words of George Mason," adds Mr. Fiske, "were powerless against the combination of New England and the far South."[1]

Some seven decades later, Virginia erected under the shadow of her Capitol a bronze statue to commemorate the fame of this illustrious son.

Governor Randolph and Mr. Madison earnestly supported their colleague, the former declaring that this feature rendered the constitution so odious as to make doubtful his ability to support it; and the latter asserting, "Twenty years will produce all the mischief that can be apprehended from the liberty to import slaves. So long a term will be more dishonorable to the American character than to say nothing about it in the constitution."[2]

Thus it was by the votes of New Hampshire, Massachusetts, Connecticut, Maryland, North Carolina, South Carolina and Georgia, and against the votes of New Jersey, Pennsylvania, Delaware and Virginia, that the slave trade was legalized by the National Government for the period from 1787 to 1808.

If it be argued that this provision of the constitution offered no menace to Virginia or to any other state not willing to admit the importations, the reply is obvious

[1] *Critical Period of American History*, Fiske, p. 264.
[2] *Life and Times of Madison*, Rives, Vol. II, p. 446.

that this action of the National Government was deplorable because it placed the imprimatur of its supreme law upon the morality as well as legality of the slave trade; and further, because with the advent from abroad of every additional slave the difficulties and dangers of emancipating those in the South—their natural habitat—was increased. New England and the North were not menaced. Climatic and economic conditions, as well as their local laws, raised a protecting barrier. Beneath the hot skies of the South—where flourished the much sought for crops of cotton, rice and sugar cane—was the land to which with unerring instinct the Trader piloted his craft freighted with ignorance and woe. As long, therefore, as one port remained open and the National Government sanctioned the traffic, just so long would the inflowing tide continue, each new arrival adding to the difficulties of the situation.

Thus the nation, under its new charter, entered upon its career handicapped by the curse of slavery and further menaced by the new lease of life accorded the slave trade. Upon Virginia the maximum of burden rested. She had within her borders nearly one-third of the whole slave population of the Union. Hers was the ceaseless task of guarding against further importations from home or abroad; of devising some practicable plan for gradually emancipating the slaves in her midst, and meanwhile to continue day by day the work of teaching these children of the Dark Continent an intelligible language, the use of tools, the necessity for labor and the rudiments of morality and religion.

VI

The Foreign Slave Trade—Virginia's Efforts to Abolish it

Despite Virginia's failure to secure the immediate suppression of the foreign slave trade, her sons were active in their efforts to restrict its growth and at the earliest possible moment to drive the slave ships from the seas.

In the first Congress under the constitution, April, 1789, Josiah Parker of Virginia sought to amend the Tariff Bill under discussion by inserting a clause levying an import tax of ten dollars upon every slave brought into the country.

"He was sorry the constitution prevented Congress from prohibiting the importation altogether. It was contrary to Revolution principles and ought not to be permitted. . . . He hoped Congress would do all in their power to restore to human nature its inherent privileges; to wipe off, if possible, the stigma under which America labored; to do away with the inconsistence in our principles justly charged upon us; and to show by our actions, the pure beneficence of the doctrine held out to the world in our Declaration of Independence."

Mr. Parker was supported by two other Virginians, Theodoric Bland and James Madison, the latter declaring:

"The clause in the constitution allowing a tax to be imposed though the traffic could not be prohibited for twenty years, was inserted, he believed, for the very purpose of enabling Congress to give some testimony of the sense of America with respect to the African trade. By

expressing a national disapprobation of that trade it is to be hoped we may destroy it, and so save ourselves from reproaches and our posterity from the imbecility ever attendant on a country filled with slaves."[1]

But notwithstanding these appeals the movement was defeated, though the discussion was evidently fruitful in bringing to the attention of the country that under the constitution, Congress had authority not only to levy a tax of ten dollars per capita on slaves imported, but to prohibit citizens of the United States from engaging in the traffic with foreign countries. These latter conclusions were formally embodied in a report made to Congress on the 23rd of March, 1790, by a committee of which Josiah Parker of Virginia was one of the leading members. The adoption of this report stirred the opponents of the slave trade to greater activity and numerous petitions were presented at the next session of Congress from Maryland and Virginia and almost every one of the Northern States. In the Virginia petition, the slave trade was denounced as "an outrageous violation of one of the most essential rights of human nature."[2]

In his message to Congress, at its session, 1806-7, Mr. Jefferson, then President, brought to the attention of that body the fact that under the constitution the time was at hand when the African slave trade could be abolished, and urged the speedy enactment of such a law. He said:

"I congratulate you, fellow-citizens, on the approach of a period at which you may interpose your authority constitutionally to withdraw the citizens of the United States from all further participation in those violations of human rights which have so long been continued on the

[1] *Annals of Congress*, Vol. I, col. 336.
[2] *Suppression of the Slave Trade*, DuBois, p. 80.

unoffending inhabitants of Africa, and which the morality, the reputation and the best interests of our country have long been eager to proscribe."

An act was accordingly passed prohibiting the slave trade and imposing forfeitures and fines upon ships and ships' crews engaged in the traffic. The law also forfeited slaves so illegally imported and provided that the disposition of such slaves should be left to the states wherein they were found.

The African slave trade had flourished so long under the patronage and support of the leading nations of Christendom and with the acquiescence, at least, of the United States during the previous twenty years, that it was difficult by simple statutory enactment to put an end to the nefarious traffic. It will be seen, therefore, that the trade continued from time to time between the coast of Africa, the United States, West Indies and Brazil, despite the efforts of the Federal authorities to enforce the laws made for its suppression. In all these efforts Virginians, holding official places, were most earnest and energetic in their warfare against the trade.

In his message to Congress, December 5, 1810, President Madison declares:

"Among the commercial abuses still committed under the American flag . . . it appears that American citizens are instrumental in carrying on the traffic in enslaved Africans, equally in violation of the laws of humanity and in defiance of those of their own country,"

and urges Congress to devise further means for suppressing the evil.

Again, in his message to Congress of December 3, 1816, President Madison brings the subject to the attention of

Congress and urges the enactment of such amendments as will suppress violations of the statute.

In the progress of time, certain slaves brought into the country in violation of the act were captured and sold, thus in effect defeating one of the prime objects of the law, which was to prevent any increase in the slave population. Thereupon, at the session of Congress, 1819, under the leadership of Charles Fenton Mercer and John Floyd of Virginia a bill was passed amending the existing statute, requiring the President to use armed cruisers off the coasts of Africa and America to suppress the trade, providing for the immediate return to Africa of any imported slaves, directing the President to appoint agents to receive and care for them on their return and appropriating One Hundred Thousand Dollars to carry out the general purposes of the law.[1]

In the House, on motion of Hugh Nelson, of Virginia, the death penalty was fixed as the punishment for violating the law, but this provision was stricken out by the Senate.[2]

In February, 1823, Charles Fenton Mercer, a representative from Virginia, in the House, secured the adoption of the following joint resolution:

"RESOLVED, That the President of the United States be requested to enter upon and to prosecute from time to time such negotiations with the maritime powers of Europe and America as he may deem expedient for the effectual abolition of the African slave trade and its ultimate denunciation as Piracy under the laws of Nations by the consent of the civilized world."[3]

Mr. Mercer, in urging the adoption of this resolution,

[1] *Annals of Congress*, 15th Congress, 2nd section, part I, pp. 442-3.
[2] *Suppression of the Slave Trade*, DuBois, p. 120, Note 3.
[3] *Annals of Congress*, 17th Congress, second session, pp. 435 and 928.

denounced the African slave trade "as a crime begun on a barbarous shore, claimed by no civilized state, and subject to no moral law; a remnant of ancient barbarism, a curse extended to the New World by the colonial policy of the Old."[1]

Mr. Mercer supplemented his congressional action by visits made at his own expense to the Governments of the Old World to urge upon them the adoption of the policy set forth in his resolution.[2]

It was early appreciated that unless at least a qualified "right of search" was accorded the war vessels of the leading nations engaged in the effort to suppress the slave trade, these efforts would be seriously hindered. Accordingly the lower house of Congress, in May, 1821, under the leadership of Charles Fenton Mercer, from whose committee the resolution was reported, adopted the recommendation that a "right of search" be accorded the British Government in return for a like privilege accorded the United States.[3] This resolution, however, was defeated in the Senate.

Subsequently President Monroe submitted to Congress the draft of a treaty with England embodying this provision. In a special message, under date of May 21, 1824, he gave at length his reasons for approving the treaty—saying:

"Should this convention be adopted there is every reason to believe that it will be the commencement of a system destined to accomplish the entire abolition of the slave trade."

[1] *Rise and Fall of the Slave Power in America*, Wilson, Vol. I, p. 106.
[2] *The Confederate Cause and Conduct in the War Between the States*, McGuire and Christian, p. 17.
Suppression of Slave Trade, DuBois, p. 137.

Unfortunately, the ratification of this treaty was defeated in the Senate, and not until 1862 was the "right of search" between Great Britain and America established.

In his message to Congress June 1, 1841, President Tyler writes:

"I shall also at the proper season invite your attention to the statutory enactments for the suppression of the slave trade which may require to be rendered more effective in their provisions. There is reason to believe that the traffic is on the increase . . The highest consideration of public honor as well as the strongest promptings of humanity require a resort to the most vigorous efforts to suppress the trade."

Again, in his message of December 7, 1841, President Tyler writes:

"I invite your attention to existing laws for the suppression of the African slave trade, and recommend all such alterations as may give to them greater force and efficiency. That the American flag is grossly abused by the abandoned and profligate of other nations is but too probable."

In 1842, in the preparation of the Ashburton Treaty President Tyler secured the insertion of a clause providing for the maintenance and co-operation of squadrons of the United States and Great Britain off the coast of Africa for the suppression of the trade.[1]

The ratification of this treaty was urged upon the Senate by the President in his message of August 11, 1842, as conducive to the abolition of what he termed the "unlawful and inhuman traffic."

Though Brazil, by statute, prohibited the African slave trade in 1831, yet the traffic continued and in this trade

[1] *Letters and Times of the Tylers*, Tyler, Vol. II, p. 219.

citizens of the United States as ship owners, or crew, were engaged despite the Federal statutes against such a practice. Henry A. Wise of Virginia, Consul at Rio Janeiro, made frequent and earnest reports to the State Department calling the attention of the authorities to these violations. Under date of February 18th, 1845, he writes to the Secretary of State at Washington:

"I beseech, I implore the President of the United States to take a decided stand on this subject. You have no conception of the bold effrontery and the flagrant outrages of the African slave trade, and of the shameless manner in which its worst crimes are licensed here, and every patriot in our land would blush for our country did he know and see, as I do, how our citizens sail and sell our flag to the uses and abuses of that accursed practice."[1]

In his message to Congress, under date of December 4th, 1849, President Taylor writes:

"Your attention is earnestly invited to an amendment of our existing laws relating to the African slave trade with a view to the effectual suppression of that barbarous traffic. It is not to be denied that this trade is still in part carried on by means of vessels built in the United States and owned or navigated by some of our citizens."

The foregoing recitals will serve to illustrate the uncompromising attitude of hostility on the part of leading Virginians toward the African slave trade. They sought by Federal statutes and concerted action with foreign nations to drive the pernicious traffic from the seas. They denounced the trade as inhuman, because it stimulated men to reduce free men to slavery and then entailed upon slaves the horrors and dangers of the "middle passage." They resolutely opposed any addition to the slave popula-

[1] *American Slave Trade*, Spear, p. 81.

tion of America because profoundly convinced that every such importation was fraught with menace to the social, economic and moral well-being of the nation and rendered more difficult the emancipation of those who had already been brought to her shores. As we have seen, her representatives at the first meeting of the Continental Congress had defined Virginia's position in the notable memorial which declared:

"The abolition of domestic slavery is the great object of desire in those colonies, where it was unhappily introduced in their infant state. But, previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa."[1]

This was the philosophy of the situation as defined by the great statesmen of the Revolutionary period and to their views their ablest successors in Virginia adhered down to the outbreak of the Civil War.

[1] *Writings of Jefferson*, Ford, Vol. I, p. 440.

VII

Some Virginia Statutes with Respect to Slavery

Having by her act of 1778, prohibiting the importation of slaves, provided against any increase in their number from without, Virginia at the close of the Revolution proceeded to legislate with respect to those already in her midst, permitting and encouraging their gradual emancipation.

Under British rule, slaveholders were forbidden to manumit their slaves, except with the permission of the Council.[1] In 1782, the General Assembly of Virginia enacted a law, under which slaveholders were authorized to emancipate their slaves by deed or will duly made and recorded.[2]

By an act passed in 1785, it was provided that slaves brought into the state and remaining twelve months should be free.[3]

In 1787, acts were passed validating certain manumissions made by wills prior to 1782, the General Assembly declaring that it was "just and proper" that "the benevolent intentions" of the testators should be carried into effect.[4]

In 1788, an act was passed making the enslaving of the child of free blacks a crime punishable by death upon the scaffold.[5]

[1] *Hening's Statutes*, Vol. IV, p. 132.
[2] *Hening's Statutes*, Vol. XI, p. 39.
[3] *Hening's Statutes*, Vol. XII, p. 182.
[4] *Hening's Statutes*, Vol. XII, pp. 611 and 613.
[5] *Idem*, p. 531.

In 1795, an act was passed allowing a slave to sue *in forma pauperis* in any court proceedings affecting his freedom. He might make complaint to the nearest magistrate or court and the owner was then required to give bond to permit the slave to attend the next term of the court and maintain his cause. If the owner failed or refused to comply, the slave was taken into the custody of the state, counsel was assigned to defend his cause and every process of the law allowed him without cost.[1] Following the adoption of the foregoing laws, the General Assembly, in 1803, passed an act to still further safeguard the rights of negroes who had secured their freedom. By this last act the authorities were required to keep registers in each county in which were to be recorded the names of all the free negroes and also the names of slaves whose right to manumission would accrue upon the death of the person having only an estate for life in such slaves.

The effect of these acts facilitating and encouraging manumissions at length began to appear. At the close of the Revolution there were less than three thousand free negroes in Virginia.[2] In the ten years next succeeding, they reached thirteen thousand, and the census of 1810 records their number at thirty thousand, five hundred and seventy. Here was a new problem—the presence in a state dominated by white men of a considerable body of negroes possessing neither the privileges of the whites nor amenable to the restrictions imposed upon the great mass of the blacks. As a result of these conditions, acts were passed in 1806 providing that no slaves thereafter manumitted should remain in Virginia. In 1819 an act was passed authorizing the County Courts to permit such

[1] *History of Slavery in Virginia*, Ballagh, p. 123.
[2] *History of Slavery in Virginia*, Ballagh, p. 121.

as were "sober, peaceful, orderly and industrious to remain in the state."[1] Later, it was provided by statute that all slaves thereafter manumitted should leave the state within twelve months from the date of their emancipation. Thenceforward slaveholders were accorded the right to manumit their slaves, subject to the claims of their creditors and to the obligation upon the former slaves of going beyond the state within twelve months following their manumission.

While these last mentioned statutes embarrassed the work of emancipation, they stimulated the sentiment in favor of colonization. However, despite the difficulties which confronted them, slaveholders still continued to emancipate their slaves and hostility to the institution of slavery—the conviction that it was a burden upon the commonwealth—became more and more widespread among the people. The growth of these sentiments continued until the year 1832. The Rev. Philip Slaughter, a writer with pro-slavery sympathies, records:

"That was the culminating point—the flood tide of anti-slavery feeling which had been gradually rising for more than a century in Virginia was then precipitated upon us before its time by the Southampton convulsion."[2]

To the disastrous effects upon public sentiment of this tragic event which occurred in August, 1831, must be added the reactionary influence of the Abolitionists, who now began their work of agitation and their arraignment, not simply of slavery nor of slaveholders, but of the morality and civilization of every community in which the institution existed. The failure, too, of the General

[1] *Idem*, p. 125.
[2] *The Virginian History of African Colonization*, Slaughter, p. 55.

Assembly of Virginia at its session of 1832 to adopt any plan for the gradual abolition of slavery or for the removal beyond the state of the free negroes then within her borders was also strongly reactionary. Despite the ability and influence of the anti-slavery leaders in that body no remedial legislation was adopted and thousands of the people accepted the result as proof of the fact that the practical difficulties in the way of emancipation were such as to shut out the hope of its accomplishment.

VIII

The Movement in the Virginia Legislature of 1832 to Abolish Slavery in the State

The Southampton Insurrection, which occurred in August, 1831, was one of those untoward incidents which so often marked the history of slavery. Under the leadership of one Nat Turner, a negro preacher, of some education, who felt that he had been called of God to deliver his race from bondage, the negroes attacked the whites at night and before the assault could be suppressed fifty-seven whites, principally women and children, had been killed. This deplorable event assumed an even more portentous aspect when it was realized that the leader was a slave to whom the privilege of education had been accorded and that one of his lieutenants was a free negro. In addition there existed a widespread belief among the whites that influences and instigations from without the state were responsible for the insurrection.

The General Assembly of Virginia met in regular session in December, 1831, and the effect upon the popular mind of this tragic occurrence was evidenced in the numerous petitions presented praying for the removal beyond the state of all free negroes, or the enactment of such laws as should provide for the abolition of slavery. The institution itself, the feasibility of its abolition, the status of the free negroes, the danger to the state from their presence, were thus brought before the Legislature. It was a body containing many able men but elected without reference to

this great subject, and with no previous interchange of views or formulation of plans among the advocates of reform. The discussions which followed were more notable for the fierce arraignment of the institution than for the presentation of practical plans for its abolition.

Henry Wilson, in his *Rise and Fall of the Slave Power in America,* says of this discussion:

"It was one of the ablest, most eloquent and brilliant debates that ever took place in the Legislature of any of the states. Most of those who participated in it were young and rising men who afterward achieved high positions and commanding influence."[1]

Mr. Ballagh records that:

"Day after day multitudes thronged the Capitol to hear the speeches. The Assembly in its zeal for the discussion set aside all prudential considerations, such as the possible effect of incendiary utterances that might make the slave believe his lot one of injustice and cruelty, and so give him the excuse of a revolt, or might encourage further aggressions by Northern Abolitionists."[2]

Thomas Jefferson Randolph, Mr. Jefferson's grandson; Thomas Marshall, son of the Chief Justice; James McDowell, afterward Congressman and Governor; Charles J. Faulkner, afterward Congressman and Minister to France, and William Ballard Preston, afterward Congressman and Secretary of the Navy in President Taylor's Cabinet, were among the leaders of the anti-slavery men, and some idea may be formed of the character of their speeches from the extracts hereinafter cited.

The principal discussion revolved around the report of

[1] *Rise and Fall of the Slave Power in America,* Wilson, Vol. I, p. 195.

[2] *History of Slavery in Virginia,* Ballagh, p. 138.

a committee which declared "that it is inexpedient for the present Legislature to make any legislative enactment for the abolition of slavery," to which Mr. Preston moved the substitution of the word "expedient" for "inexpedient," and Mr. Bryce moved, as a substitute for both, that the commonwealth should provide for the immediate removal of the negroes now free and those who may hereafter become free "believing that this will absorb all of our present means." By a vote of 58 to 73 Mr. Preston's amendment was defeated,[1] and Mr. Bryce's substitute adopted by a vote of 65 to 58.[2] In line with this declaration, the House thereupon passed a bill which provided by a comprehensive and continuous system for the deportation and colonization of the free negroes of the commonwealth, and such as thereafter might become free. The measure carried an appropriation of Thirty-five Thousand Dollars for the first year (1832) and Ninety Thousand Dollars for the year 1833 and was adopted by a vote of 79 to 41.[3] In urging its passage, William H. Broadnax insisted that many owners "would manumit their slaves if means for their removal were furnished by the state, but who could not if the additional burden of removal were placed upon them."[4] This bill, so fraught with far-reaching consequences, was subsequently defeated in the Senate by one vote.

Several plans for the gradual emancipation and deportation of the slaves were brought forward and discussed, but all failed of enactment. Thomas R. Dew declares that, "no enlarged, wise or practical plan of operations

[1] *Journal of House of Delegates*, 1832, p. 109.
[2] *Idem*, p. 110.
[3] *Idem*, p. 158.
[4] *Virginian History of African Colonization*, Slaughter, p. 48.

was proposed by the Abolitionists."[1] And Mr. Ballagh says, that "will was not wanting but method unhappily was."[2]

The failure of this General Assembly to adopt any plan of emancipation or any comprehensive scheme for the deportation of the free negroes already in the state had a disastrous effect upon the attitude of thousands of Virginians towards slavery. Despairing of relief from either of these sources and yet facing the peril of which the Nat Turner Insurrection was the warning sign, her lawmakers sought in repressive legislation to nullify the dangers of slave insurrection. Many accepted the institution as permanent and busied themselves marshalling arguments in vindication of its rightfulness and in refuting with growing bitterness the assaults of its opponents.

But in addition to the Southampton Massacre, and the failure of the Legislature to enact any effective legislation, the contemporary rise of the Abolitionists in the North came as an even more powerful factor to embarrass the efforts of the Virginia emancipators. Unlike the anti-slavery men of former years, this new school not only attacked the institution of slavery but the morality of slave-holders and their sympathizers. In their fierce arraignment, not only were the humane and considerate linked in infamy with the cruel and intolerant, but the whole population of the slave-owning states, their civilization and their morals were the object of unrelenting and incessant assaults. Thus thousands sincerely desiring the abolition of slavery were driven to silence or into the ranks of its apologists in the widespread and indignant determination of Virginians to resent these libels upon their character and defeat these attempts to excite servile insurrections.

[1] *An Essay on Slavery*, Thomas R. Dew, 1849, p. 6.
[2] *History of Slavery in Virginia*, Ballagh, p. 138.

"What have we done to her," said the Rev. Nehemiah Adams of Boston, "but admonish, threaten and indict her before God, excommunicate her, stir up insurrection among her slaves, endanger her homes, make her Christians and ministers odious in other lands."[1]

From this period, too, may be noticed the gradual increase in the number of pro-slavery men in Virginia. This element did not justify slavery simply because of the difficulties and dangers attending emancipation, but they asserted that the institution was good in itself, sanctioned by religion, a blessing to the blacks and essential to the well-being of the whites. The growth of this new school in its aggressiveness and the extreme character of its utterances kept pace with the like development of the Abolitionists. As the latter denounced slavery as "man-stealing"—and slaveholders—as "thieves," the former marshalled Bible texts to show the divine origin and Heaven-approved character of the institution. As the Abolitionists portrayed the "degrading" and "brutalizing" effects of slavery upon the character of slaveholding communities, the pro-slavery men pointed to the moral and civic virtues which undoubtedly existed in such communities, and claimed that these very virtues were attributable to the institution of slavery. As Abolitionists, relying upon the insistence that slavery was a "monstrous oppression," justified slave insurrections to effect freedom, the pro-slavery men sought to drive into silence their fellow Virginians of anti-slavery sentiments because any acknowledgment that it was illegal and that the condition of the slave was at war with the laws of natural right warranted the slave in killing his master to secure his freedom.

[1] *South Side View of Slavery*, Adams, p. 127.

Thus, from 1833 on to the time of the war, the pro-slavery advocates grew in influence and aggressiveness, though what proportion of the population of Virginia they represented it is impossible to determine. Their extreme utterances undoubtedly gave them great prominence, as the march of events, in like manner, augmented their power. The sentiments of the anti-slavery men found little place in the turmoil of the times. Their position was strongly analogous to that of the majority of the Northern people, who, in the midst of the war cries of the Abolitionists, continued in silence their business pursuits.

IX

The Northern Abolitionists and Their Reactionary Influence upon Anti-Slavery Sentiment in Virginia

Thomas Jefferson Randolph was the foremost advocate of gradual emancipation in the Virginia Legislature of 1832. In a pamphlet printed in 1870 reviewing political conditions in Virginia he makes the following statement with reference to the subject of emancipation and the influences which hindered its accomplishment after the year 1833:

"After the adjournment of the Legislature in 1833, the question was discussed before the people fairly and squarely, as one of the abolition of slavery. I was re-elected on that ground in my county. The feeling extended rapidly from that time in Virginia, Kentucky and Missouri until Northern abolitionism reared its head. Southern abolition was reform and an appeal to the master; Northern abolition was revolution and an appeal to the slave. One was peaceful and the other mutually destructive of both races by a servile insurrection. The Southern people feared to trust to the intervention of persons themselves exempt by position from the imagined dangers of the transition."[1]

George Tucker, Professor of Political Economy, in the University of Virginia, in his work, *The Progress of the United States in Population and Wealth*, published in 1843, referring to the subject, writes:

[1]See printed pamphlet T. J. Randolph, September 25th, 1870, on file with Virginia Historical Society.

"This is not the place for assailing or defending slavery; but it may be confidently asserted that the efforts of Abolitionists have hitherto made the people in the slaveholding states cling to it more tenaciously. Those efforts are viewed by them as an intermeddling in their domestic concerns that is equally unwarranted by the comity due to sister states, and to the solemn pledges of the Federal compact. In the general indignation which is thus excited, the arguments in favor of negro emancipation, once open and urgent, have been completely silenced, and its advocates among the slaveholders, who have not changed their sentiments, find it prudent to conceal them. . . . Such have been the fruits of the zeal of Northern Abolitionists in those states in which slavery prevails; and the fable of the Wind and the Sun never more forcibly illustrated the difference between gentle and violent means in influencing men's wills."[1]

In 1847, Dr. Henry Ruffner, President of Washington College, delivered an address upon the subject of slavery in Virginia which attracted widespread attention. In this speech, made in the midst of the growing controversy, he refers to the reactionary influence of the Abolitionists as follows:

"But this unfavorable change of sentiment is due chiefly to the fanatical violence of those Northern antislavery men usually called Abolitionists. . . . They have not, by honourable means, liberated a single slave, and they never will by such a course of procedure as they have pursued. On the contrary they have created new difficulties in the way of all judicious schemes of emancipation by prejudicing the minds of slaveholders, and by

[1] *Progress of Population and Wealth*, Tucker, p. 108. Note—The author concludes his review of slavery in Virginia by saying: "As the same decline in the value of labor once liberated the villeins, or slaves, of western Europe, and will liberate the serfs of Russia, so must it put an end to slavery in the United States, should it be terminated in no other way."

compelling us to combat their false principles and rash schemes in our rear; whilst we are facing the opposition of men and the natural difficulties of the case in our front."[1]

If it be thought, that Mr. Randolph, Professor Tucker, and Dr. Ruffner were influenced by their environment and a desire to shift from the people of Virginia to the Abolitionists responsibility for the growth in the state of reactionary sentiments, with regard to slavery, it may be well to quote the contemporary views of prominent anti-slavery men of the North.

Dr. William Ellery Channing, writing in 1835, said:

"The adoption of the common system of agitation by the Abolitionists has not been justified by success. From the beginning it created alarm in the considerate and strengthened the sympathies of the free states with the slaveholder. It made converts of a few individuals but alienated multitudes.

"Its influence at the South has been almost wholly evil. It has stirred up bitter passions and a fierce fanaticism which have shut every ear and every heart against its arguments and persuasions. These effects are more to be deplored because the hope of freedom to the slaves lies chiefly in the disposition of his master. The Abolitionist proposed indeed to convert the slaveholders; and for this reason he approached them with vituperation and exhausted upon them the vocabulary of reproach. And he has reaped as he sowed . . . Thus, with good purpose, nothing seems to have been gained. Perhaps (though I am anxious to repel the thought) something has been lost to the cause of freedom and humanity."[2]

In 1837, the Legislature of Illinois adopted a series of resolutions of a pro-slavery character reprobating the methods of the Abolitionists. Against the resolutions

[1] *The Ruffner Pamphlet,* Lexington, 1847.

[2] *The Works of William E. Channing,* 1889, American Unitarian Society, p. 735.

as adopted, Abraham Lincoln prepared a memorandum and, together with Daniel Stone, a fellow member of the body, had the same spread upon its journal as a more accurate expression of their views. After referring to the resolutions, the paper declares:

"They believe that the institution of slavery is founded on both injustice and bad policy, but that the promulgation of abolition doctrines tends rather to increase than abate its evils."[1]

This declaration of Mr. Lincoln was at once a protest and a prophecy.

It is sometimes urged that because of Mr. Lincoln's youth, at this time, his estimate of the injuries wrought by the "promulgation of abolition doctrines" is not entitled to much weight. It is true that he was then in his twenty-ninth year. A quotation from an even more notable deliverance, made fifteen years later, will show

[1]The following is a full text of the paper:

"Resolutions upon the subject of domestic slavery having passed both branches of the General Assembly at its present session, the undersigned hereby protest against the passing of the same.

They believe that the institution of slavery is founded on both injustice and bad policy, but that the promulgation of abolition doctrines tends rather to increase than abate its evils.

They believe that the Congress of the United States has no power under the constitution to interfere with the institution of slavery in the different states.

They believe that the Congress of the United States has the power under the constitution to abolish slavery in the District of Columbia, but that the power ought not to be exercised unless at the request of the people of the District.

The difference between these opinions and those contained in the above resolutions, is their reason for entering this protest.

(Signed) DAN STONE,
A. LINCOLN."

Representatives from the County of Sangamon.
(*Abraham Lincoln, A History*, N. & H., Vol. I, p. 140.)

that reflection and observation served to confirm his convictions of the earlier date. In his eulogy on Henry Clay, delivered in the State House, at Springfield, Illinois, July 16th, 1852, he said:

"Cast into life when slavery was already widely spread and deeply seated, he did not perceive, as I think no wise man has perceived, how it could be at once eradicated without producing a greater evil even to the cause of human liberty itself. His feeling and his judgment, therefore, ever led him to oppose both extremes of opinion on the subject. Those who would shiver into fragments the Union of these states, tear to tatters its now venerated constitution, and even burn the last copy of the Bible, rather than slavery should continue a single hour, together with all their more halting sympathizers, have received, and are receiving their just execration; and the name and opinion and influence of Mr. Clay are fully and, as I trust, effectually and enduringly arrayed against them."[1]

This estimate of Mr. Lincoln had already been anticipated by that of Mr. Webster who, in his speech of March 7th, 1850, in the United States Senate made a special reference to the disastrous influence exerted by the Abolitionists upon the cause of emancipation in Virginia.

"Public opinion," he said, "which in Virginia had begun to be exhibited against slavery and was opening out for the discussion of the question, drew back and shut itself up in its castle. I would like to know whether anybody in Virginia can now talk openly as Mr. Randolph, Governor McDowell and others talked in 1832, and sent their remarks to the press? We all know the facts and we all know the cause; and everything that these agitating people have done has been not to enlarge but to restrain,

[1] *Abraham Lincoln, Speeches, Letters and State Papers,* N. & H, Vol. I, p. 174.

not to set free, but to bind the faster the slave population of the South."[1]

Stephen A. Douglas, speaking at Bloomington, Illinois, July 16, 1859, said:

"There is but one possible way in which slavery can be abolished and that is by leaving the state according to the principle of the Kansas-Nebraska Bill, perfectly free to form and regulate its institutions in its own way. That was the principle upon which this Republic was founded. . . . Under its operations slavery disappeared from . . . six of the twelve original slaveholding states; and this gradual system of emancipation went on quietly, peacefully and steadily so long as we in the free states minded our own business and left our neighbors alone. But the moment the abolition societies were organized throughout the North, preaching a violent crusade against slavery in the Southern States, this combination necessarily caused a counter-combination in the South, and a sectional line was drawn which was a barrier to any further emancipation. Bear in mind that emancipation has not taken place in any one state since the Free-soil Party was organized as a political party in this country. . . . The moment the North proclaimed itself the determined master of the South, that moment the South combined to resist the attack, and thus sectional parties were formed and gradual emancipation ceased in all the Northern slaveholding states."[2]

In this speech, Mr. Douglas not only points out the methods by which slavery had been abolished in six of the twelve original slaveholding states, but he bears testimony, like his great contemporaries, to the reactionary influence resulting from the attitude of the Northern Abolitionists.

This estimate of Senator Douglas was reaffirmed in the frank declaration of Thomas Ewing, of Ohio, who, speaking in the Peace Conference, at Washington, February,

[1] *Webster's Great Speeches*, Whipple, p. 619.
[2] *Lincoln-Douglas Debates*, Columbus, 1860, p. 31.

1861, declared: "The North has taken the business of abolition into its own hands and from the day she did so we hear no more of abolition in Virginia. This was but the natural effect of the cause."[1]

If it be urged that the views of Channing, Lincoln, Webster, Douglas and Ewing were unfair in their estimate of the reactionary influence of the Abolitionists, because of the temper of the times in which they lived, it may be well to quote the conclusions of publicists not so situated. Mr. George Lunt, of Boston, writing in December, 1865, says:

"After the years of 1820-21, during which that great struggle which resulted in what is called the Missouri Compromise was most active and came to its conclusion, the States of Virginia, Kentucky and Tennessee were earnestly engaged in practical movements for the gradual emancipation of their slaves. This movement continued until it was arrested by the aggressions of the Abolitionists upon their voluntary action."[2]

Mr. George Ticknor Curtis, of Boston, writing in 1883, after describing the discussions in the General Assembly of Virginia in 1831-32, and stating that Thomas Jefferson Randolph, the leader of the movement for the abolition of slavery, was re-elected in 1833 from Albemarle, one of the largest slaveholding counties in the state, because of his position, declares:

"But in the meantime came suddenly the intelligence of what was doing at the North. It came in an alarming aspect for the peace and security for the whole South; since it could not be possible that strangers should combine together to assail the slaveholder as a sinner and to demand his instant admission of guilt, without arousing fears of

[1] *Proceedings of Peace Convention*, Crittenden, p. 142.
[2] *The Origin of the Late War*, Lunt, 1865, p. 33.

the most dangerous consequences for the safety of Southern homes, as well as intense indignation against such an unwarrantable interference. From that time forth emancipation whether immediate or gradual could not be considered in Virginia or anywhere else in the South."[1]

As representative of a later generation and voicing sentiments of one more removed from the period of controversy, the views of Theodore Roosevelt are of value. Writing in 1898, he says:

"In 1833 the abolition societies of the North came into prominence; they had been started a couple of years previously. Black slavery was such a grossly anachronistic and un-American form of evil that it is difficult to discuss calmly the efforts to abolish it and to remember that many of these efforts were calculated to do and actually did more harm than good. . . . The cause of the Abolitionists has had such a halo shed around it by the course of events, which they themselves in reality did very little to shape, that it has been usual to speak of them with absurdly exaggerated praise. Their courage and, for the most part, their sincerity, cannot be too highly spoken of, but their share in abolishing slavery was far less than has commonly been represented; any single, non-abolitionist politician, like Lincoln or Seward, did more than all the professional Abolitionists combined really to bring about its destruction."[2]

Writing still later, Mr. William Henry Smith, of Ohio, in his book, *A Political History of Slavery,* alluding to the work of the Abolitionists, says:

"What befell is what has always been the experience, which must needs be ever the experience of society when men 'encounter with such bitter tongues,' when full play

[1] *Life of James Buchanan,* Curtis, 1883, p. 278.
[2] *Thomas H. Benton,* Roosevelt, p. 141.

is given to passion, prejudice and all uncharitableness. . . . After fifteen years of this commotion, the testimony of the judicious was 'that the tendency to general emancipation in the Border States had been checked, and that the Abolitionists had done more to rivet the chains of the slave and to fasten the curse of slavery upon the country than all the pro-slavery men in the world had done or could do in half a century.'"[1]

Despite, however, the growing embarrassments of the situation, there remained with the people of Virginia the conviction that in the dispersion or colonization beyond her borders, of a substantial part of her negro population, lay the surest road to ultimate emancipation and relief from the racial problems incident to slavery. The practice, therefore, of emancipation by deeds and wills continued, and individually and by concerted action, the various schemes for colonization were fostered and encouraged. The Legislature at its session, 1833, passed a bill appropriating $18,000.00 per annum, for a period of five years to assist in transporting and subsisting "free persons of color who may desire to migrate from Virginia to Liberia."[2]

This appropriation, as we shall see, was followed by others of larger amounts to further colonization; and, in no state of the Union, with the possible exception of Maryland, did the cause receive greater assistance, in money and sympathy, than in Virginia.

[1] *A Political History of Slavery,* William Henry Smith, 1903, Vol. I, pp. 40-41.

[2] *Virginian History of African Colonization,* Slaughter, p. 67.

X

Negro Colonization—State and National

The idea of colonization seems to have originated with Mr. Jefferson, who, in 1777, submitted a plan to a committee of the General Assembly of Virginia.

In 1787, Dr. William Thornton published an address to the free negroes of the whole country offering to lead them in person back to Africa.

In December, 1800, the General Assembly passed a resolution requesting the Governor to communicate with the President of the United States with the view of purchasing lands beyond the limits of Virginia for colonization purposes. A considerable correspondence ensued between Mr. Monroe, the Governor, and Mr. Jefferson, the President.

Nothing practical, however, resulted from these negotiations, though on the 27th of December, 1804, Mr. Jefferson wrote Governor Page: "I beg you to be assured that, having the object of the House of Delegates sincerely at heart, I will keep it under my constant attention, and omit no occasion which may occur of giving it effect."[1]

In January, 1805, the Legislature passed another resolution requesting Virginia's representatives in Congress to use every effort to secure a portion of the territory of Louisiana for the colonization "of such people of color as have been or shall be emancipated in Virginia."

The difficulties with France and England at this time prevented further prosecution of the subject, but, after

[1] *Virginian History of African Colonization*, Slaughter, pp. 1-6.

the termination of the war between the United States and England, a resolution was passed by the General Assembly of Virginia, in December, 1816, requesting the Governor to correspond with the President with a view of acquiring upon the coast of Africa, or at some point in the United States, an asylum "for such persons of color as are now free and desire the same," or "that may hereafter be emancipated in Virginia."

About the time of this action of the Virginia Legislature there assembled at Washington on the 21st of December 1816, a body of prominent citizens from various states, who effected a tentative organization, from which resulted the American Colonization Society. Over this meeting Henry Clay presided, and among the notable persons present were Daniel Webster, Bushrod Washington and John Randolph of Roanoke. The Rev. Robert Finley, of New Jersey, and Mr. E. B. Caldwell, at that time Clerk of the Supreme Court at Washington, were especially active in bringing about the assemblage. Charles Fenton Mercer, of Virginia, and Francis Scott Key, of Maryland, were also among the most zealous friends of the enterprise. In addition to Randolph and Washington, Bishop William Meade, Rev. William H. Wilmer, John Taylor, Edmund I. Lee and other Virginians were also present. Mr. Clay has left upon record that "the original conception of the project is to be traced to a date long anterior," to the meeting and that "the State of Virginia, always prominent in works of benevolence, prior to the formation of the American Colonization Society . . . had expressed her approbation of the plan of colonization."[1]

On the first of January, 1817, the permanent organiza-

[1] *The African Repository and Colonial Journal*—Vol. VI, No. 1, p. 13.

tion of the society was effected by the selection of Mr. Justice Bushrod Washington, of Virginia, as President, a position which he held for thirteen years. Judge Washington was succeeded by Charles Carroll, of Carrollton, James Madison, Henry Clay and John H. B. Latrobe, the last named holding office until after the Civil War.

The Society having been organized, immediate steps were taken to acquire land upon the coast of Africa upon which to establish the colony. For this purpose Samuel J. Mills, so well known and venerated for his missionary labors, and Ebenezer Burgess were sent to Africa, the money to defray their expenses being raised by Charles Fenton Mercer and Bishop Meade, of Virginia.[1] The report of these commissioners established the practicability of securing the necessary land on the coast of Africa and establishing the emigrants in their new home. The Society, however, was without sufficient means for the successful initiation of its great work and possessed no relation to the government, state or National. By a fortuitous train of circumstances and the zeal of certain of its members, among whom Virginians bore an active part, all of these objects were in a measure attained.

Under the terms of the Federal statute prohibiting the foreign slave trade it was provided that any slave whose importation was attempted in violation of the act should be seized by the authorities of the state where the importation occurred, and disposed of at its pleasure. The State of Georgia had, accordingly, acquired possession of a number of imported negroes and had advertised them for sale at Milledgeville, May 4, 1819. Such an event and such a policy would have defeated the statute, one of whose objects was to prevent the increase of the slave population.

[1] *Liberia Bulletin. No.* 16—February, 1900, p. 21.

Learning of these facts, Bishop Meade, of Virginia, was sent as the representative of the Colonization Society, to Georgia, where he secured the release of the negroes advertised to be sold, upon condition that the Society would reimburse the state for the costs incurred in their maintenance.[1] George Washington Parke Custis, of Virginia, offered an island near Cape Charles, Virginia, as a place of refuge until they could be transported to Africa.[2] Knowledge of the foregoing facts induced Charles Fenton Mercer and John Floyd, of Virginia, to present to Congress, of which they were members, a bill which became a law in 1819, whereby all negroes imported since the passage of the act should be returned to their own country, appointing agents upon the coast of Africa to receive them; and appropriating $100,000.00 to carry this law into effect. President Monroe was zealous in enforcing the provisions of this law, and acted in cordial co-operation with the Colonization Society to effectuate its purposes. Under the provisions of the act, territory was acquired upon the coast of Africa, and there the colony of Liberia was established. In 1824, in recognition of Mr. Monroe's services, the inhabitants of the colony named their capital Monrovia.

In the great work of the American Colonization Society, the leading people of Virginia took a most active and sympathetic interest. This was evinced in the organization of Auxiliary Societies at Richmond, Norfolk, Fredericksburg, Petersburg, Alexandria, Lynchburg, Wheeling, Charlestown, Shepherdstown, Hampton and Harper's Ferry and in the Counties of Isle of Wight, Sussex, Albemarle, King William, Dinwiddie, Amherst, Berkeley,

[1] *Memoir of Bishop Meade*, Johns, 1867, p. 120.
[2] *History of United States*, McMaster, Vol. IV, p. 65.

Nansemond, Buckingham, Nelson, Fluvanna, Frederick, Augusta, Kanawha, Powhatan, Loudoun, Rockingham, Mecklenburg, Campbell, and others. The officials of these Societies numbered many of the most prominent men of Virginia; John Marshall, then Chief Justice of the United States, was President of the Richmond branch.

The Virginia Auxiliary Societies collected money by private subscription, and facilitated in every way the transportation of such free negroes as desired to emigrate. In 1826, upon the petition of the Societies, the Legislature of Virginia made its first appropriation to assist in their work. In addition to those in Virginia, Auxiliary Societies were organized in Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland and Kentucky.

In 1828 the Colonization Society of Virginia was established and thereafter Virginians directed their energies largely through this Virginia organization. John Marshall was elected President of the Virginia Society, and James Madison, James Monroe, John Tyler and William H. Broadnax, were among its Vice-Presidents.

By an act passed in 1850 the General Assembly of Virginia appropriated the sum of $30,000.00 per annum for five years for the transportation and sustenance of free negroes who desired to emigrate. Certain qualifications of the measure limited its effectiveness, and in 1853, the Virginia Colonization Society secured its repeal and the enactment of a new law appropriating $30,000.00 per annum for five years, with much more liberal provisions as to the method of its expenditure. Private benevolence supplemented the state. The reports of the Society show that during the years 1850-51-52 private contributions from the people of Virginia aggregated over $21,000.00.[1]

[1] *Virginian History of African Colonization*, Slaughter, p. 100.

The work of the Society was endorsed by the churches and more and more it assumed the character of a Christian enterprise. It was commended because it brought relief to Virginia, blessings to the ex-slaves, greater hope of freedom to those still in bondage, and carried Christianity and civilization to Africa. Among the first of many white men who gave their lives to the cause of colonization was Samuel J. Mills, who died at sea on his way home from Africa. Mills was the leader in the band of students at Williams College, Massachusetts, so well known for their missionary zeal and labours, and hence has a double claim upon our gratitude.

The problems and difficulties of colonization, admittedly great, were seriously augmented by the active opposition of the extreme pro-slavery men at the South and the Abolitionists at the North. Each of these two antagonistic forces strenuously opposed the work of colonization, the first because it facilitated eventual emancipation, the second, among other reasons, because it rendered conditions more tolerable and thus postponed the day of the universal and immediate abolition of slavery.

In addition to the colonizations made through the aid of the colonization societies, many Virginia slaveholders emancipated their slaves and at their own expense colonized them in some of the free states. A few instances will illustrate the custom and the difficulties often encountered by these emancipators and their ex-slaves.

XI

Instances of Colonizations by Individual Slaveholders

By the will of Samuel Gist, his slaves were emancipated and William F. Wickham and Carter B. Page, of Richmond, appointed trustees to acquire land in some one of the free states on which to provide homes for the newly manumitted freedmen. Accordingly, these trustees purchased two tracts of land in Brown County, Ohio, one containing one thousand and the other twelve hundred acres at a cost of $4400.00.[1]

In 1819, the freedmen, consisting of one hundred and thirteen from Hanover County and one hundred and fifty from Goochland and Amherst Counties, were transported to Ohio and settled on the lands purchased, as above indicated, by the trustees.

The facts are meagre with respect to the reception accorded these negroes and the measure of success which attended the colonization. From the best information obtainable, it seems that they were treated in no very friendly manner and that, in time, the negroes lost most of the lands provided for them by their former owner.

Edward Coles, of Albemarle County, inherited from his father a large number of slaves. Determining to give them their freedom, he conducted them in April, 1819, to Illinois, where he established them in their own homes

[1]See *Record of Deeds*, Vol. A., p. 230, Recorder's Office, Brown County, Ohio.

near the town of Edwardsville, giving to each head of a family a tract of one hundred and sixty acres of land.[1] Mr. Coles, like many other Virginians, who attempted a like emancipation, not only incurred the great pecuniary loss resulting from the liberation of his slaves and the expenses of their removal and establishment, but he incurred the ill will and opposition of the inhabitants of the state in which they settled.

The biographers of Abraham Lincoln, Nicolay and Hay, referring to the attitude of the people of Illinois towards free negroes, record:

"Even Governor Coles, the public-spirited and popular politician, was indicted and severely fined for having brought his own freedmen into this state and having assisted them in establishing themselves around him upon farms of their own."[2]

Mr. Coles was a neighbor and friend of Jefferson, Madison and Monroe. He was Madison's private secretary and was appointed by President Monroe Registrar of the Land Office at Edwardsville, Ill., in March, 1819, a position of influence and importance. Three years later he was elected Governor of the state and his career as such was notable for the great part he bore in defeating the movement to change the state constitution of Illinois so as to permit the introduction and maintenance of slavery within that state. In 1832 Governor Coles removed to Philadelphia where he lived until his death. When Virginia seceded, his son, Roberts Coles, volunteered in her service and was killed at the Battle of Roanoke Island.

[1] *Sketch of Edward Coles*, Washburne, pp. 47-52.

[2] *Abraham Lincoln, A History*, N. & H., Vol. I, p. 145.

(Note. The fine imposed upon Governor Coles was subsequently remitted by an act of the Legislature because the law under which he was fined had not been published at the date of his offense.)

By his will, admitted to probate on the 20th of November, 1826, John Ward, Sr., of Pittsylvania, emancipated all of his slaves, giving to each of them over fifteen years of age twenty dollars, except to certain enumerated ones, to whom the sum of one hundred and fifty dollars each was bequeathed.[1] In April, 1827, these freedmen, emancipated under the will of Ward (seventy in number), were transported to Ohio and settled in Lawrence County.[2]

By his will, John Randolph of Roanoke, who died in 1833, emancipated all of his slaves and directed his executor, Judge William Leigh, to transport them to some one of the free states and settle them upon lands which he was directed to purchase for the purpose. The will bequeathed the sum of thirteen thousand dollars to defray the expenses incident to their colonization and to pay for the land.

Howe in his *Historical Collections of Ohio* (Edition of 1891) says:

"In 1846 Judge Leigh, of Virginia, purchased 3200 acres of land in this settlement for the freed slaves of John Randolph of Roanoke. These arrived in the Summer of 1846 to the number of about four hundred but were forcibly prevented from making a settlement by a portion of the inhabitants of the county. Since then acts of hostility have been commenced against the people of this settlement and threats of greater held out if they do not abandon their lands and homes."

"From a statement in the county history issued in 1882 we see that a part of the Randolph negroes succeeded in effecting a settlement at Montezuma, Franklin Township, just south of the reservoir."[3]

[1]See *Will Book No.* 1, p. 109, Clerk's Office, Pittsylvania County, Va.

[2]See *Public Ledger of Philadelphia,* April 14, 1827.

[3]*Historical Collections of Ohio, History of Mercer County, Ohio,* by Henry Howe, 1891, Vol. II, p. 505.

By his will which was probated March 23, 1848, John Warwick, of Amherst County, Virginia, emancipated all his slaves, and in like manner bequeathed his whole estate to create a fund for removing them to one of the free states, purchasing farms, and establishing them in their new homes. The testator indicated that he preferred Indiana as the place of residence for his slaves.[1] Dr. David Patteson, of Buckingham County, was appointed executor and charged with the duties of settling the estate and removing the freedmen to their new homes. Before arrangements for their removal to Indiana could be perfected, that state adopted its constitution of 1851, whereby free negroes and mulattoes were inhibited from coming into the state. Accordingly Dr. Patteson purchased for the ex-slaves a large tract of land in Ohio, near Kenton, and thither they were transported and settled in their new homes. The inventory of Mr. Warwick's estate shows that at the time of his death he owned seventy-four slaves.[2]

By his will, admitted to probate July 9th, 1849, Sampson Sanders, of Cabell County, emancipated all of his slaves and directed his executors to provide for their colonization "in the State of Indiana, or some one of the free states of the United States."[3] The testator bequeathed to these slaves the sum of fifteen thousand dollars, out of which fund should be paid the amount necessary for the purchase of land for their homes, the balance to be distributed among them. Before the intentions of the testator could be

[1]See *Will Book No.* 11, p. 575, Clerk's Office, Amherst County, Va.

[2]John Warwick was the great-uncle of the Hon. John Warwick Daniel, now (1908) and for many years past a member from Virginia in the United States Senate.

[3]See *Will Book A.*, p. 391, in the Clerk's Office of Cabell County, West Virginia.

carried into effect, Indiana enacted a law denying to freed negroes the privileges of settling in that state. Accordingly these freedmen were carried to Cass County, Mich., where they were settled in homes purchased for them under the provisions of the will of their former owner. This colony seems to have succeeded, and many of the descendants of the former slaves of Sanders are to-day living upon the lands purchased by his bounty.[1]

In addition to the many difficulties already enumerated, that invested colonization, there were other deterrent causes only less real. Was it right to send these newly manumitted slaves off, upon the hazard of maintaining themselves in the face of difficulties for which they had had so little training? This was the question for the master. What of their future in the far away and unknown land? That was the question for the slave. Then too, there came to both a genuine reluctance to meet the pain of separation. Of the fact of the existence of a strong affection between masters and slaves, in a great majority of the homes in Virginia where the institution of slavery existed, there can be no question. From the great number of instances illustrating the sorrows of masters and servants in the hour of separation, we select two.

David W. Barton, of Winchester, Virginia, emancipated many of his slaves a short time prior to the Civil War. Some of these were sent to Liberia, and others, who from age or youth were not regarded as equal to the trials of the trip, were settled in this country. Robert T. Barton, Esq., a son of the emancipator, in a letter to the author bears testimony to the fact of the affection which subsisted between the members of his father's family and these freedmen. "I was quite a small boy at the time,"

[1]See *Outlook Magazine*, N. Y., February 9th, 1903.

he writes, "but I remember the incident perfectly. I recall the weeping family that parted with these servants, who were very dear to us."[1]

Traverse Herndon, of Fauquier, who died in 1854, by his last will emancipated his slaves, some fifty in number, and made provision for their transportation to Liberia. Two years later his brother, Thaddeus Herndon, emancipated his slaves, some twenty in number, and the two groups of freedmen, except such as were too old to bear the dangers of the voyage and life in the new country, were sent to Liberia in the fall of 1857, under the care of an agent of the American Colonization Society.

The Rev. Charles T. Herndon, of Salem, Virginia, has furnished the author with an account of the parting between these freedmen and his father, Thaddeus Herndon, which occurred on board of the ship "Euphrasia," written by the Rev. John Seys,[2] a former missionary to Liberia,

[1]Under date of March 19, 1907, Mr. Barton writes the author: "My father manumitted his slaves, or rather, certain of them, before the war. Under the law as I remember it, it was not necessary to put on record a deed of manumission of a slave who was sent out of the state. . . . I was quite a small boy at the time, but I remember the incident perfectly. I recall the weeping family that parted with these servants, who were very dear to us. . . . Many years after that I received a visit from one of the women who had been the assistant in the nursery, and to whom, as a child, I remember I was very devoted. I do not believe that two near relations could have had a more affecting greeting. She stayed in Winchester for nearly a week, coming to my house every day, and finally went away without bidding us good bye, writing back from her home that she had done so because she could not stand the parting. The other servants who went away also kept up with our family the most affectionate relations for many years, and the old ones, who could not get away, were supported by my brothers and myself after the war until they died."

[2]Mr. Seys records that his experience as a missionary in Liberia prompted him to visit these emigrants on board ship, just prepara-

who was present on the occasion. The subjoined extract from Mr. Seys' account of the separation, which was published soon afterwards in the *Maryland Colonization Journal*, presents in the most vivid manner the sorrow attending the parting of Thaddeus Herndon and his former slaves, and the reverence and affection with which the slaves of Traverse Herndon regarded their dead master.

Not infrequently the many difficulties which embarrassed the efforts of Virginia slaveholders to colonize their ex-slaves at points beyond the state were increased by the attitude of the slaves themselves. The experience of John Thom, of Berry Hill, Culpeper County, as related in a letter to the author under date of July 15th, 1908, by his son Cameron E. Thom, of Los Angeles, Cal., will serve as an illustration. Mr. Cameron Thom is at present a man of venerable years who seems to retain a vivid impression of the scenes incident to the attempt at colonization made by his father in the later thirties. Mr. Thom,

tory to their departure, and at the request of Mr. Herndon, make them a short address. He then writes: "I closed my remarks and Mr. Herndon followed me." The latter said: "I may not see you again, I may as well say all I have to say now." And then he became so choked for utterance, and tears fell so fast that a silence ensued only broken by sighs and sobs of the entire party. Again he continued:

"My heart is too full. I can hardly speak. You know how we have lived together. Servants, hear me, we have been brothers and sisters, we have grown up together. We have done the best for you. For two or three years this has been contemplated and you are now on the point of starting for the land of your ancestors. Besides your freedom, we have spent $2,000.00 in procuring everything we could think of to make you comfortable—clothing, bedding, implements of husbandry, mechanics' tools, books for the children, Bibles, a family Bible for each family, all these have been provided, and when you have been there some few months, we will send you out another supply of provisions and will continue to do so. And now, you three brethren, who formed the committee

after narrating that his father was a soldier in the War of 1812, where he gained his title as commander of a Virginia regiment, and was for thirty years a member of the State Senate, proceeds to write with reference to his father's attitude towards slavery as follows:

"He was not satisfied with it, and was restive under it. In his discussions of the subject he often quoted as expressive of his views Mr. Jefferson, who declared that 'We have the wolf by the ears, and it is as dangerous to let go as it is to hold on.' I believe they were both gradual emancipationists. The idea of practical and immediate emancipation through the medium of colonization seems to have crystallized in his mind and stimulated him to action. He sent my eldest brother, Catesby Thom, to Pennsylvania to spy out the land and to make definite arrangements for the location, settlement and comfort of the proposed colony. After an absence of several weeks, he returned and reported that he had selected an ideal location for the experiment. Every desideratum seems to have been taken into consideration, climate, wood, water, fertility of the soil, products, neighbors, etc.

"To carry out my father's plan, the next step was to call for eighteen volunteers to make up the colony. Here came a great disappointment. Of the number called for only one suitable man responded. . . . The volunteer idea was abandoned and conscription was resorted to. When the names of the eighteen chosen ones were announced the plantation was indeed a house of mourning.

appointed by the church to watch over your brethren, a word to you. You are chosen to admonish, guide, counsel the others, not to lord it over them, but gently and kindly to watch over their souls; and now, may God bless you. I can never forget you. Write to me, Washington, you can write; I have provided you with paper. Keep a journal, put all of your names down, even the children, and write opposite to each one everything that happens concerning you. I shall feel much interested in hearing from you—especially will your Miss Frances. (Here the bare mention of their

Prayers, protests and petitions came up, but were of no avail. A complete outfit was made up of three wagons, twelve oxen, three cows, tools, farming utensils, provisions, clothing, &c. The expedition got off all right, my brother Catesby being chief in command, and Uncle Billy Guinn, the only volunteer, a full second. Before the expiration of a week from the time of departure, two of the colonists had deserted and were back at Berry Hill, and in less than a year nearly all the others had found their way back. My brother, after some two months' absence, got back and reported that he would not go through with his experience again for all the negroes in Virginia.

"I left Virginia for the South in 1848; returning in a few weeks, I took my final departure from the state in the early Spring of 1849 for California where I have resided ever since, never having seen my father again. I believe he manumitted all or nearly all of the servants by deed or will."

almost adored mistress started their grief afresh.) Now, as we may never meet again, let us part with prayer, let all kneel down, and Brother Seys will lead in prayer to Almighty God for you all." We knelt there, and under feelings words but poorly express, engaged in prayer as best we could amid cries and sobs and tears.

XII

Emancipation and Colonization: Views of Jefferson, Clay and Lincoln

If it be urged that Virginia had reached the conclusion that without the dispersion or colonization of the whole or a large portion of her slave population emancipation was impracticable, it may be acknowledged that to a qualified extent this was true. The position, however, did not involve an abandonment of the principle of emancipation, but rather the insistence that with emancipation should go the work of solving the race problem by a method which gave some assurance of complete success.

That this attitude of Virginia cannot be regarded as wholly unreasonable or reactionary will appear when we consider the views of some of the leading friends of negro emancipation. From the number of those whose sanity kept pace with their zeal, we select Thomas Jefferson, Henry Clay and Abraham Lincoln.

Mr. Jefferson in 1820 wrote:

"Nothing is more certainly written in the book of fate than that these people are to be free; nor is it less certain than that the two races, equally free, cannot live in the same government. Nature, habit, opinion, have drawn indelible lines of distinction between them."[1]

Writing to Jared Sparks, President of Harvard College, in 1824, he said:

"In the disposition of these unfortunate people there

[1] *Jefferson Manuscript*, Raynor, p. 64.

are two rational objects to be distinctly kept in view. First, the establishment of a colony on the coast of Africa, which may introduce among the aborigines the arts of cultivated life and the blessings of liberty and science. By doing this, we may make them some retribution for the long course of injuries we have been committing on their population. . . . Second object, and the most interesting to us, as coming home to our physical and moral characters, to our happiness and safety, is to provide an asylum to which we can, by degrees, send the whole of that population from among us, and establish them under our patronage and protection, as a separate, free, and independent people, in some country and climate friendly to human life and happiness."[1]

Mr. Clay's attitude with respect to the institution of slavery will appear from his oft-quoted declaration:

"Those who would repress all tendencies to liberty and ultimate emancipation must do more than put down the benevolent efforts of the Colonization Society, they must go back to the era of our liberty and independence, and muzzle the cannon that thunders its annual joyous return —they must blot out the moral lights around us—they must penetrate the human soul, and eradicate the light of reason and the love of liberty."[2]

His sentiments, however, with respect to the wisdom and necessity for colonizing the manumitted slaves were equally decided. In an address before the Colonization Society of Kentucky at Frankfort, December 17, 1829, Mr. Clay presented at length his reasons for supporting the movement to colonize all ex-slaves in the Republic of Liberia. In the course of this address he said:

"If the question were submitted, whether there should be either immediate or gradual emancipation of all the

[1] *Writings of Jefferson*, Ford, Vol. X, p. 290.
[2] *Lincoln and Slavery*, Arnold, p. 124.

slaves in the United States, without their removal or colonization, painful as it is to express the opinion, I have no doubt that it would be unwise to emancipate them. For I believe, that the aggregate of the evils which would be engendered in society upon the supposition of such general emancipation, and of the liberated slaves remaining promiscuously among us, would be greater than all the evils of slavery."[1]

Continuing, he said:

"Is there no remedy I again ask for the evils of which I have sketched a faint and imperfect picture? Is our posterity doomed to endure forever not only all the ills flowing from the state of slavery, but all which arise from incongruous elements of population, separated from each other by invincible prejudices and by natural causes? Whatever may be the character of the remedy proposed, we may confidently pronounce it inadequate, unless it provides efficaciously for the total and absolute separation, by an extensive space of water or of land, at least of the white portion of our population from that which is free of the colored."[2]

In conclusion he said:

"If we were to invoke the greatest blessing on earth, which Heaven, in its mercy, could now bestow on this nation, it would be the separation of the two most numerous races of its population and their comfortable establishment in distinct and different countries."[3]

The biographers of Abraham Lincoln, Nicolay and Hay, declare:

"The political creed of Abraham Lincoln embraced among other tenets, a belief in the value and promise of

[1] *The African Repository and Colonial Journal,* Vol. II, No. 1, p. 5.
[2] *The African Repository and Colonial Journal,* Vol. II, p. 12.
[3] *Idem,* p. 23.

colonization as one means of solving the great race problem involved in the existence of slavery in the United States. . . . Without being an enthusiast, Lincoln was a firm believer in colonization."[1]

Speaking at Springfield, Illinois, June 26, 1857, Mr. Lincoln said:

"I have said that the separation of the races is the only perfect prevention of amalgamation. I have no right to say that all the members of the Republican Party are in favor of this nor to say that as a party they are in favor of it. There is nothing in their platform directly on the subject. But I can say a very large proportion of its members are for it and that the chief plank in that platform—opposition to the spread of slavery—is most favorable to that separation. Such separation, if ever effected at all, must be effected by colonization. . . . The enterprise is a difficult one but where there is a will there is a way; and what colonization needs most is a hearty will. Will springs from the two elements of moral sense and self-interest. Let us be brought to believe it is morally right, and at the same time favorable to, or, at least, not against our interests, to transfer the African to his native clime, and we shall find a way to do it, however great the task may be."[2]

Upon his assumption of the office of President Mr. Lincoln sought to carry into effect his colonization views. In his first annual message to Congress—December, 1861—after alluding to the act "to confiscate property used for insurrectionary purposes," enacted by Congress at its extra session, under the operations of which thousands of slaves had come into the custody of the Federal authorities and the further fact that some of the states might adopt

[1] *Abraham Lincoln, A History*, N. & H., Vol. VI, p. 355.
[2] *Abraham Lincoln, Speeches, Letters and State Papers*, N. & H., Vol. I, p. 235.

similar statutes with similar results, he proceeds to say:

"In such cases I recommend that Congress provide for accepting such persons from such states according to some mode of valuation in lieu *pro tanto* of direct taxes, or upon some other plan to be agreed on with such states respectively; that such persons, on such acceptance, by the General Government, be at once deemed free, and that in any event steps be taken for colonizing both classes (or the first mentioned if the other shall not be brought into existence) at some place or places in a climate congenial to them. It might be well to consider too whether the free colored people already in the United States could not, so far as individuals may desire, be included in such colonization.

"To carry out the plan of colonization may involve the acquiring of territory, and also the appropriation of money beyond that to be expended in the territorial acquisition. Having practised the acquisition of territory for nearly sixty years the question of constitutional power to do so is no longer an open one with us. . . .

"If it be said that the only legitimate object of acquiring territory is to furnish homes for white men this measure effects their object, for the emigration of colored men leaves additional room for white men remaining or coming here. Mr. Jefferson however placed the importance of procuring Louisiana more on political and commercial grounds than on providing room for population. On this whole proposition, including the appropriation of money with the acquisition of territory, does not expediency amount to absolute necessity—that without which the government itself cannot be perpetuated."[1]

As a result of these urgent representations Congress, at its session of 1862, placed at the disposal of the President the sum of $600,000.00 to be expended at his discretion in colonizing with their consent free persons of African

[1] *Messages and Papers of the Presidents,* Vol. VI, p. 64.

descent in some country adapted to their condition and necessities.[1]

Mr. Lincoln, with a view of carrying out this act of Congress, invited a number of prominent colored men to meet him at the White House on the 14th of August, 1862, and then and there urged upon them the wisdom of availing themselves of the opportunity thus offered to make for themselves a home beyond the borders of this country. Mr. Lincoln said that the action of Congress in placing at his disposal a sum of money for the purpose of aiding the colonization of the people of African descent made it his duty, as it had for a long time been his inclination, to favor that cause. Continuing, he said:

"And why should the people of your race be colonized, and where? Why should you leave this country? This is perhaps the first question for proper consideration. You and we are different races. We have between us a broader difference than exists between almost any other two races. Whether it is right or wrong I need not discuss; but this physical difference is a great disadvantage to us both as I think. Your race suffer very greatly, many of them by living among us, while ours suffer from your presence. In a word, we suffer on each side. If this be admitted, it affords a reason, at least, why we should be separated.

"The aspiration of men is to enjoy equality with the best when free, but on this broad continent not a single man of your race is made the equal of a single man of ours. Go where you are treated the best, and the ban is still upon you. I do not propose to discuss this, but to present it as a fact with which we have to deal. I cannot alter it if I would."

In conclusion he said:

[1] *The Life, Public Services and State Papers of Abraham Lincoln*, Raymond, p. 504.

"I ask you then to consider seriously not pertaining to yourselves merely, nor for your race and ours for the present time but as one of the things if successfully managed, for the good of mankind—not confined to the present generation."[1]

In his special message to Congress April 16th, 1862, after alluding to the passage of the bill abolishing slavery in the District of Columbia, he approves the same and declares: "I am grateful that the principles of compensation and colonization are both recognized and practically applied in this act."[2]

[1] *The Life, Public Services and State Papers of Abraham Lincoln,* Raymond, p. 504.

[2] *Messages and Papers of the Presidents,* Vol. VI, p. 73.

XIII

Anti-Slavery Sentiments of Prominent Virginians

No account of Virginia's record in regard to slavery would be complete which failed to set forth the position of her foremost men with respect to the institution. From a mass of data we have selected the following declarations as fairly expressive of their sentiments. We have not recorded the views of Virginians, however worthy, who were not by birth, training and sympathies, representative of the dominant element of her people.

Richard Henry Lee, speaking in the Virginia House of Burgesses 1772, in support of a bill prohibiting the slave trade, said:

"Nor, sir, are these the only reasons to be urged against the importation. In my opinion not the cruelties practised in the conquest of South America, not the savage barbarity of a Saracen, can be more big with atrocity than our cruel trade to Africa. There we encourage those poor ignorant people to wage eternal war against each other; . . . that by war, stealth or surprise, we Christians may be furnished with our fellow-creatures, who are no longer to be considered as created in the image of God as well as ourselves and equally entitled to liberty and freedom by the great law of Nature, but they are to be deprived forever of all the comforts of life and to be made the most wretched of the human kind."[1]

Patrick Henry, writing on the 18th day of January, 1773. said:

[1] *Life of R. H. Lee*, Lee, Vol. I, p. 18.

"Is it not a little surprising that Christianity, whose chief excellency consists in softening the human heart, cherishing and improving its finer feelings, should encourage a practice so totally repugnant to the first impressions of right and wrong? What adds to the wonder is that this abominable practice has been introduced in the most enlightened ages. . . .

"Would any one believe I am the master of slaves of my own purchase! I am drawn along by the general inconvenience of living here without them. I will not, I cannot justify it. . . . I believe the time will come when an opportunity will be offered to abolish this lamentable evil. Everything we can do is to improve it, if it happens in our day; if not, let us transmit to our descendants, together with our slaves, a pity for their unhappy lot and an abhorrence for slavery."[1]

At another time he wrote: "Our country will be peopled. The question is, shall it be with Europeans, or Africans? . . . Is there a man so degenerate as to wish to see his country the gloomy retreat of slavery?"[2]

George Washington, writing in 1786, to Robert Morris, of Philadelphia, after alluding to an Anti-slavery Society of Quakers in that city and suggesting that unless their practices were discontinued, "None of those whose misfortune it is to have slaves as attendants will visit the city if they can possibly avoid it," continues:

"I hope it will not be conceived from these observations that it is my wish to hold the unhappy people, who are the subjects of this letter, in slavery. I can only say that there is not a man living who wishes more sincerely than I do to see a plan adopted for the abolition of it. But there is only one proper and effectual mode by which it can be accomplished, and that is by legislative authority; and this, as far as my suffrage will go, shall never be wanting."

[1] *The True Patrick Henry*, Morgan, p. 246.
[2] *Life of Patrick Henry*, William Wirt Henry, Vol. I, p. 114.

Writing in the same year to John F. Mercer, he said:

"I never mean, unless some particular circumstance shall compel me to it, to possess another slave by purchase, it being among my first wishes to see some plan adopted by which slavery in this country may be abolished by law."[1]

George Mason, speaking in the Virginia Convention of 1788 having the adoption of the Federal Constitution under consideration, said:

"Mr. Chairman, this is a fatal section (Article 1, Section 9) which has created more dangers than any other. The first clause allows the importation of slaves for twenty years. Under the royal government this evil was looked upon as a great oppression, and many attempts were made to prevent it; but the interest of the African merchants prevented its prohibition. No sooner did the Revolution take place than it was thought of. It was one of the great causes of our separation from Great Britain. Its exclusion has been a principal object of this state, and most of the states in the Union. The augmentation of slaves weakens the state; and such a trade is diabolical in itself and disgraceful to mankind; yet by this constitution, it is continued for twenty years. I have ever looked upon this as a most disgraceful thing to America. I cannot express my detestation of it."[2]

John Tyler, Sr., speaking in the same Convention in condemnation of the clause permitting the slave trade:

"Warmly enlarged on the impolicy, iniquity and disgracefulness of this wicked traffic. He thought the reasons urged by gentlemen in defense of it were inconclusive and ill-founded. It was one cause of the complaints against British tyranny that this trade was permitted. The Revolution had put a period to it; but now it was to be revived. He thought nothing could justify it. . . . His earnest

[1] *The Writings of Washington*, Marshall, Vol. II, p. 159.
[2] *Madison Papers*, Vol. II, p. 1391.

desire was that it should be handed down to posterity that he had opposed this wicked cause."[1]

Edmund Randolph, in 1789, wrote to Madison that he desired to go to Philadelphia to practise law, saying, "For if I found that I could live there I could emancipate my slaves, and thus end my days without undergoing any anxiety about the injustice of holding them."[2]

St. George Tucker,[3] in his edition of Blackstone's Commentaries, reviewing the origin of slavery in Virginia, and the status of the institution at the time he writes, 1803, declares:

"Among the blessings which the Almighty hath showered on these states, there is a large portion of the bitterest draught that ever flowed from the cup of affliction. Whilst America hath been the land of promise to Europeans and their descendants, it hath been the vale of death to millions of the wretched sons of Africa. . . . Whilst we adjured the God of Hosts to witness our resolution to live free, or die; and imprecated curses on their heads who refused to unite with us in establishing the empire of freedom, we were imposing upon our fellowmen who differ in complexion from us, a slavery ten thousand times more cruel than the utmost extremity of those grievances and oppressions of which we complained."[4]

At the conclusion of his carefully prepared article

[1] *Letters and Times of the Tylers,* Tyler, Vol. I, p. 154.

[2] *Life of Edmund Randolph,* Conway, p. 125.

[3] Judge Tucker, who was professor of law at William & Mary College, made it a part of his course of lectures to demonstrate the moral and economic objections to slavery.

Mr. Roosevelt points out that Thomas H. Benton acquired his deep-rooted antagonism to the institution while studying Blackstone "as edited by the learned Virginian Judge Tucker who in an appendix treated of and totally condemned black slavery in the United States." (*Thomas H. Benton,* Roosevelt, p. 297).

[4] *Tucker's Blackstone,* Vol. II, Appendix, note H., p. 31.

showing the efforts made by the people of Virginia during the period of British rule to suppress the slave trade, their prompt prohibition of the traffic immediately upon the assertion of their independence, and the various statutes enacted to mitigate the hardships of the institution, he uses these earnest yet almost pathetic words:

"Tedious and unentertaining as this detail may appear to all others, a citizen of Virginia will feel some satisfaction in reading a vindication of his country from the opprobrium, but too lavishly bestowed upon her, of fostering slavery in her bosom, whilst she boasts a sacred regard for the liberty of her citizens, and of mankind in general."[1]

The foregoing quotations express the sentiments of the leading Virginians of the Revolutionary period with respect to slavery.

The following quotations, taken from speeches and letters of the period between 1810 and 1831, express the sentiments of men, many of whom, though contemporaries of Washington and Mason and Henry, yet survived them by a quarter of a century.

Jefferson, in his *Notes on Virginia*, wrote:

"Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God; that they are not violated but with His wrath? Indeed I tremble for my country when I reflect that God is just; that His justice cannot sleep forever."[2]

Writing in 1820 to John Holmes, he said:

"I can say with conscious truth that there is not a man

[1] *Idem*, p. 53.
[2] *Writings of Jefferson*, Ford, Vol. III, p. 267.

on earth who would sacrifice more than I would to relieve us from this heavy reproach, in any practicable way. The cession of that kind of property—for so it is misnamed—is a bagatelle which would not cost me a second thought if, in that way, a general emancipation and expatriation could be effected; and gradually, and with due sacrifice, I think it might be; but as it is, we have the wolf by the ears and can neither hold him nor safely let him go. Justice is in one scale, and self-preservation in the other."[1]

John Tyler, in February, 1820, speaking in Congress as a Representative from Virginia when the bill for the admission of Missouri was under discussion, together with the amendment prohibiting the admission of slaves into the territories, said:

"Slavery has been represented on all hands as a dark cloud and the candor of the gentleman from Massachusetts, Mr. Whitman, drove him to the admission that it would be well to disperse this cloud. In this sentiment I entirely concur with him. How can you otherwise disarm it? Will you suffer it to increase in its darkness over one particular portion of this land till its horrors shall burst upon it? . . . How is the North interested in pursuing such a course? The man of the North is far removed from its influence; he may smile and experience no disquietude. But exclude this property from Missouri by the exercise of an arbitrary power; shut it out from the territories; and I maintain that you do not consult the interests of this Union.

"The gentleman from Massachusetts also conceded that for which we contend—that by diffusing this population extensively you increase the prospects of emancipation. What enabled New York, Pennsylvania and other states to adopt the language of universal emancipation? Rely on it, nothing but the paucity of the number of their slaves. That which would have been criminal in those states not to have done would be an act of political suicide in Georgia

[1] *Idem*, Vol. VII, p. 157.

or South Carolina to do. By this dispersion you also ameliorate the condition of the black man."[1]

John Randolph of Roanoke, speaking in Congress, March 2, 1826, said:

"My feelings and instincts were in opposition to slavery in every shape; to the subjugation of one man's will to that of another; and, from the time I read Clarkson's celebrated pamphlet, I was, I am afraid, as mad as Clarkson himself. I read myself into this madness, as I have read myself into some agricultural improvements; but, as with these last, I worked myself out of them. . . . The disease will run its course. It has run its course in the Northern States; it is beginning to run its course in Maryland. The natural death of slavery is the unprofitableness of its most expensive labor."[2]

Replying to a Northern member in Congress, in 1826, he said: "Sir, I envy neither the head nor the heart of the man from the North who arises here to defend slavery upon principle."[3]

Francis W. Gilmer, writing to William Wirt, from England in July, 1824, said:

"I begin to be impatient to see Virginia once more. It's more like England than any other part of the United States—slavery *non obstanti*. Remove the stain—blacker than the Ethiopian's skin, and annihilate our political schemers and it would be the fairest realm on which the sun ever shone."[4]

John Marshall, writing in 1826, said:

"I concur with you that nothing portends more calamity and mischief to the Southern States than their slave popu-

[1] *Letters and Times of the Tylers*, Tyler, Vol. I, p. 312.
[2] *Abridgment of Debates in Congress* 1789-1856, Vol. VIII, p. 40.
[3] *American Conflict*, Greeley, Vol. I, p. 109.
[4] *Kennedy's Life of Wirt*, Kennedy, Vol. II, p. 188.

lation. Yet, they seem to cherish the evil, and to view with immovable prejudice and dislike everything which may tend to diminish it. I do not wonder that they should resent any attempt, should one be made, to interfere with the rights of property, but they have a feverish jealousy of measures which may do good without the hazard of harm, that I think very unwise."[1]

James Monroe, speaking in the Virginia Constitutional Convention on the 2nd of November, 1829, said:

"What has been the leading spirit of this state ever since our independence was attained? She has always declared herself in favor of the equal rights of man. The Revolution was conducted on that principle. Yet there was at that time a slavish population in Virginia. We hold it in the condition in which the Revolution found it, and what can be done with this population? . . . As to the practicability of emancipating them, it can never be done by the state itself, nor without the aid of the Union. . . .

"Sir, what brought us together in the Revolutionary War? It was the doctrine of equal rights. Each part of the country encouraged and supported every other part. None took advantage of the other's distresses. And if we find that this evil has preyed upon the vitals of the Union and has been prejudicial to all the states where it has existed, and is likewise repugnant to their several state constitutions and Bills of Rights, why may we not expect that they will unite with us in accomplishing its removal?"[2]

Benjamin Watkins Leigh, speaking in the Virginia Constitutional Convention of 1829-30, said:

"I wish indeed that I had been born in a land where domestic and negro slavery is unknown—no, sir,—I misrepresent myself—I do not wish so. I shall never wish

[1] *John Marshall, Life, Character and Judicial Services,* Dillon, Vol. I, p. 216.

[2] *Debates of Virginia Convention of* 1829-30, p. 149.

that I had been born out of Virginia—but I wish that Providence had spared my country this moral and political evil. It is supposed that our slave labor enables us to live in luxury and ease, without industry, without care. Sir, the evil of slavery is greater to the master than to the slave. He is interested in all their wants, all their distresses, bound to provide for them, to care for them, to labor for them, while they labor for him, and his labor is by no means the less severe of the two. The relation between master and slave imposes on the master a heavy and painful responsibility."[1]

James Madison, in 1831, wrote concerning slavery and the American Colonization Society:

"Many circumstances of the present moment seem to concur in brightening the prospects of the Society and cherishing the hope that the time will come when the dreadful calamity which has so long afflicted our country and filled so many with despair, will be gradually removed, and by means consistent with justice, peace, and general satisfaction; thus giving to our country the full enjoyment of the blessings of liberty, and to the world the full benefit of its great example."[2]

[1] *Idem*, p. 173.
[2] *Life of James Madison*, Hunt, p. 369.

XIV

Anti-Slavery Sentiments of Prominent Virginians (Continued)

The anti-slavery sentiments of prominent Virginians, expressed in the speeches delivered in the notable debate which occurred in the Virginia Legislature of 1832, may well be considered in a group by themselves. The speakers were all young men and represented a later generation than those from whom quotations have already been given. Many of them were destined to fill important rôles in the political life of the state and some of them, with undiminished influence, survived the period of the Civil War. McDowell became Governor of the state and a member of Congress; Preston was a member of Congress, a member of President Taylor's Cabinet, and one of the leading spirits in the Virginia Convention of 1861; Randolph was repeatedly returned to the Legislature and was a prominent member of the Reform Convention of 1850-51, and Faulkner was for years a member of Congress and also Minister to France.

The position of these Virginians was significant as representative of the widespread anti-slavery sentiments which pervaded the state. Chandler, of Norfolk County, represented the largest slaveholding county in Tide-water Virginia; Broadnax and Bolling, two large slaveholding counties in the Black Belt; Randolph and Marshall, counties in the Piedmont section; Preston, the Southwest; McDowell, the Upper Valley, and Berry and Faulkner,

the two counties in the extreme lower end of the valley.

Thomas Marshall, of Fauquier County, speaking in the Virginia House of Delegates, January 14th, 1832, when the subject of the gradual abolition of slavery was under discussion, said:

"Wherefore, then, object to slavery? Because it is ruinous to the whites, retards improvements, roots out an industrious population—banishes the yeomanry of the country—deprives the spinner, the weaver, the smith, the shoemaker, the carpenter, of employment and support. The evil admits of no remedy, and it is increasing and will continue to increase until the whole country will be inundated by one black wave covering its whole extent, with a few white faces here and there floating on the surface."[1]

John A. Chandler, a representative from Norfolk County, speaking on the 17th of January in the same debate, said:

"It will be recollected, sir, that when the memorial from Charles City was presented by the gentleman from Hanover, and when its reference was opposed, I took occasion to observe that I believed the people of Norfolk County would rejoice could they even in the vista of time see some scheme for the general removal of this *curse* from our land. I should have voted, sir, for its rejection because I was desirous to see a report from the committee declaring the slave population an evil and recommending to the people of this commonwealth the adoption of some plan for its riddance."[2]

William H. Broadnax, speaking as a representative from the County of Dinwiddie, on the 19th of January, in the same debate, said:

[1] *Virginia Slavery Debate,* 1832, White, Speech of Thomas Marshall, p. 6.

[2] *Idem,* Speech of J. A. Chandler, p. 3.

"That slavery in Virginia is an evil and a transcendent evil it would be idle and worse than idle for any human being to doubt or deny. It is a mildew which has blighted in its course every region it has touched from the creation of the world. Illustrations from the history of other countries and other times might be instructive and profitable had we time to review them, but we have evidence tending to the same conviction nearer at hand in the short histories of the different states of this great confederacy which are impressive in their admonitions and conclusive in their character."[1]

Henry Berry, speaking as a representative from Jefferson County, on the 20th of January, in the same debate, said:

"Sir, I believe that no cancer on the physical body was ever more certain, steady and fatal in its progress than is this cancer on the political body of the State of Virginia. It is eating into her very vitals. And shall we act the part of a puny patient, suffering under the ravages of a fatal disease, who would say the remedy is too painful, the dose is too nauseous, I cannot bear it; who would close his eyes in despair and give himself up to death? No, sir, I would bear the knife and the cautery, for the sake of health. I would never despair of the Republic. For myself, I would abandon hope on this subject and the state together."[2]

Charles James Faulkner, speaking as a representative from Berkeley County, on the 20th of January, in the same debate, said:

"Wherever the voice of your people has been heard since the agitation of this question, it has sustained your determination and called for the present enquiry. I have heard of county meetings, county petitions, and county

[1] *Idem*, Speech of William H. Broadnax, p. 10.
[2] *Idem*, Speech of Henry Berry, p. 2.

memorials; I have heard from the North, the East, and the South. They are all, with one voice, against the continuance of slavery. None for it. The press, too, that mirror of public sentiment, that concentrated will of a whole community, has been heard from one extremity of the state to the other. Its power is with us, its moral force is united, efficient and encouraging. In this city, the capital of the Old Dominion, the heart of the commonwealth, which by one ventricle receives and through the other discharges the life blood of intelligence and public spirit throughout your empire, aye, and from a quarter and from many quarters where such a voice was least expected its tones have been firm, manly, and intrepid. Honor, sir, to those who dare speak the truth in the worst of times."

In conclusion he said:

"In the language of the wise and prophetic Jefferson, 'you must approach it, you must bear it, you must adopt some plan of emancipation, or worse will follow.'"[1]

James McDowell, speaking as a representative from Rockbridge County, on the 21st of January, in the same debate, said:

"Sir, you may place the slave where you please—you may dry up to your uttermost the fountains of his feelings, the springs of his thought—you may close upon his mind every avenue of knowledge and cloud it over with artificial night—you may yoke him to your labors as the ox which liveth only to work and worketh only to live—you may put him under any process, which, without destroying his value as a slave, will debase and crush him as a rational being—you may do this and the idea that he was born to be free will survive it all. It is allied to his hope of immortality—it is the ethereal part of his nature which oppression cannot reach; it is a torch lit up in his soul by

[1] *Idem*, Speech of C. J. Faulkner, p. 5 and p. 22.

the hand of the Deity and never meant to be extinguished by the hand of man."[1]

Thomas Jefferson Randolph, speaking as a representative from Albemarle County, on the 21st of January, in the same debate, said:

"Does slavery exist in any part of civilized Europe? No, sir, in no part of it. America is the only civilized Christian nation that bears the opprobrium. In every other country where civilization and Christianity have existed together they have erased it from their codes."[2]

Philip A. Bolling, speaking as a representative from Buckingham County, on the 25th of January, in the same debate, said:

"Mr. Speaker, it is vain for gentlemen to deny the fact that the feelings of society are fast becoming adverse to slavery. Moral causes which produce that feeling are on the march and will on until the groans of slavery are heard no more in this else happy country. Look over this world's wide page—see the rapid progress of liberal feelings —see the shackles falling from nations who have long writhed under the galling yoke of slavery. Liberty is going over the whole earth, hand in hand with Christianity."

[1] *Idem*, Speech of James McDowell, p. 20.
[2] *Idem*, Speech of T. J. Randolph, p. 15.
Idem, Speech of Philip A. Bolling, p. 15.

XV

The Anti-Slavery Sentiments of Prominent Virginians (Concluded)

The period from 1833-1860 witnessed, as we have seen, the rise and progress of the abolition movement at the North and the growth of pro-slavery sentiment in Virginia and the South. These conditions are reflected in the deliverances of many prominent anti-slavery Virginians, and by a growing indisposition on the part of others of this element to publicly declare their sentiments or to take part in the discussions, which, with growing bitterness, marked the times.

George Washington Parke Custis, speaking on the 21st of January, 1833, before the American Colonization Society, said:

"Some alarmists tell us that the slave population is to be freed. And, sir, does any one regret that the hope is held out, that with our own consent, we shall one day see an end of slavery? Should this Society be, as I doubt not it will, the happy means of producing this result, it will be renowned as having done one of the greatest and best deeds that have blessed the world."[1]

The following extract from a speech of William C. Rives serves not only to illustrate his anti-slavery sentiments, but the rise of the two antagonistic parties—the Abolitionists in the North and the Pro-slavery men in the

[1] See *Proceedings of Sixteenth Annual Meeting of American Colonization Society*, January, 1833, p. XVII.

South. The speech of Dr. Ruffner, delivered ten years later, also indicates the same condition and the fresh difficulties with which the cause of gradual emancipation in Virginia was thus confronted.

William C. Rives, speaking in the United States Senate on the 6th day of February, 1837, after deprecating the action of Mr. Webster in presenting abolition petitions as precipitating controversy over a subject with respect to which Congress had no jurisdiction, then replied to the position of Mr. Calhoun, that slavery was a beneficent institution, as follows:

"But, sir, while I have been thus prepared and determined to defend the constitutional rights of the South at every hazard, I have not felt myself bound to conform my understanding and conscience to the standard of faith that has recently been set up by some gentlemen in regard to the general question of slavery. I have not considered it a part of my duty as a representative from the South, to deny, as has been done by this new school, the natural freedom and equality of man; to contend that slavery is a positive good; that it is inseparable from the condition of man; that it must exist in some form or other in every political community; and that it is even an essential ingredient in Republican government. No, sir, I have not thought it necessary, in order to defend the rights and institutions of the South, to attack the great principles which lie at the foundation of our political system, and to revert to the dogmas of Sir Robert Filmer, exploded a century and a half ago by the immortal works of Sidney and Locke. . . .

"In pursuing this course I have the satisfaction of reflecting that I follow the example of the greatest men and purest patriots who have illustrated the annals of our country—of the Fathers of the Republic itself.

"It never entered into their minds, while laying the foundation of the great and glorious fabric of our free govern-

ment, to contend that domestic slavery was a positive good —a great good. Washington, Jefferson, Madison, Marshall, the brightest names of my own state, are known to have lamented the existence of slavery as a misfortune and an evil to the country, and their thoughts were often anxiously, however unavailingly, exercised in devising some scheme of safe and practical relief, proceeding always, however, from the states which suffered the evil. . . .

"In following such lights as these, I feel that I sin against no principle of republicanism, and against no safeguard of Southern rights and Southern policy when I frankly say in answer to the interrogatory of the gentleman from South Carolina, that I do regard slavery as an evil—an evil not uncompensated, I know, by collateral effects of high value on the social and intellectual character of my countrymen; but still in the eye of religion, philanthropy and reason, an evil."[1]

Charles Fenton Mercer, in his work, *An Exposition of the Weakness and Inefficiency of the Government of the United States*, published in 1845, said:

"How shall we approach the horrid subject of slavery, the blackest of all blots, the foulest of all deformities? Here are a people descended from the very centre of civilization and free institutions of Europe, bearing with them the full tide of liberal principles, and the very cap and essence of liberty, and boasting not only of their descent, but that they are more than worthy of their ancestors, that have sanctioned slavery in its most abject form, and now, by actual enumeration, have upwards of three millions of them."[2]

R. R. Howison, the Virginia historian, in his *History of Virginia*, published in 1848, alluding to slavery in the state, said:

[1] *Congressional Debates*, Vol. XIII, part I, p. 717.

[2] *An Exposition of the Weakness and Inefficiency of the Government of the United States*, p. 167.

"We apprehend that in general, the people of Virginia hold slavery to be an enormous evil, bearing with fatal power upon their prosperity. This sentiment has been gaining ground during many years. . . . Under these circumstances, we hail with pleasure any indications that this part of our population (the slave portion) is decreasing in number and that the time shall come when Virginia shall be a free state."[1]

Dr. Henry Ruffner, President of Washington College, delivered in 1847 an address which was printed in pamphlet form and widely distributed, dealing with the subject of slavery and emancipation. Referring to the attitude and efforts of the Abolitionists and the effect upon anti-slavery sentiment in the state, he said:

"But, fellow-citizens, shall we suffer this meddlesome sect of Abolitionists to blind our eyes to the evils of slavery and to tie up our hands when the condition of the country, and the welfare of ourselves and our children, summon us to immediate action? . . .

"Having failed in their first mode of action by denunciatory pamphlets and newspapers, and by petitions to Congress, the most violent class of Abolitionists have now formed themselves into a political party aiming to subvert the Federal Constitution which guarantees the rights of slaveholders, and to destroy the Federal Union which is the glory and safeguard of us all. Thus they have armed against themselves every American patriot; and what is most remarkable, they have met from the opposite extreme those Southern politicians and ultra pro-slavery men—called 'Chivalry' and 'Nullifiers,' who so often predict and threaten a dissolution of the Union."[2]

Matthew F. Maury, writing in 1851, said:

"I am sure you would rejoice to see the people of Virginia

[1] *History of Virginia,* Howison, Vol. II, p. 519.
[2] *The Ruffner Pamphlet,* Lexington, 1847.

rise up to-morrow and say, 'From and after a future day, say January 1st, 1855, there shall be neither slavery nor involuntary servitude in Virginia.' Although this would not strike the shackle from off a single arm nor command a single slave to go free, yet it would relieve our own loved Virginia of that curse."[1]

Bishop William Meade in 1854, writing of slavery, said:

"While we must acknowledge that the advantage of the African trade notwithstanding the cruelties accompanying it has been on the side of that people both temporally and spiritually; yet we can never be brought to believe that the introduction into, and the multiplication of slavery in Virginia has advanced either her religious, political, or agricultural interests. On the contrary we are confident that it has injured all."

In 1857, alluding to the foregoing statement, he wrote:

"I have been for the last fifty years, and more especially for the last thirty, travelling much the length and breadth of Virginia, making observations for myself, conversing with intelligent farmers, politicians, ministers of the gospel, and other Christians on the subjects referred to above. . . . I have not only reconsidered them myself, but freely conversed with many sound-minded persons concerning the views there presented; and the result has been an increased conviction that they are correct and have been in time past, and still are held by the great body of our citizens, Christians, and statesmen."[2]

The statement of Howison, made in 1848—that, "in general, the people of Virginia hold slavery to be an enormous evil, bearing with fatal power upon their prosperity," is confirmed by these conclusions of Bishop Meade, expressed ten years later.

[1] *Life of Matthew F. Maury*, Corbin, p. 131.

[2] *Old Churches, Ministers and Families of Virginia*, Vol. I, pp. 89-90, note.

Robert E. Lee writing in December, 1856, said:

"In this enlightened age, there are few, I believe, but will acknowledge that as an institution slavery is a moral and political evil in any country. It is useless to expatiate on its disadvantages. I think it, however, a greater evil to the white than to the black race, and while my feelings are strongly enlisted in behalf of the latter, my sympathies are strongly for the former. . . .

"While we see the course of the final abolition of slavery is onward, and we give it the aid of our prayers and all justifiable means in our power, we must leave the progress as well as the result in His hands, who sees the end and chooses to work by slow influences."[1]

If it be urged that despite the foregoing anti-slavery sentiments the institution remained intrenched in the laws of Virginia, and supported by a strong body of public opinion, it may be replied that the views of these Virginians, and others of like mind, were nevertheless productive of far-reaching and beneficent results. They were effective in robbing slavery of many of its most abhorrent and oppressive incidents. Under the public opinion thus generated the institution in Virginia assumed, as a rule, the patriarchal character—master and slave being bound by ties of mutual obligation and affection. Many of the legal hardships inseparable from the system were reduced to a minimum. Thus the breaking up of families, by sale of their members, was confined as nearly as possible to the distribution of estates and the collection of debts by process of law. In all the category of disreputable callings, there were none so despised as the slave-trader. The odium descended upon his children and his children's children. Against the legal right to buy and sell slaves for profit, this public sentiment lifted a strong arm, and ren-

[1] *Life of R. E. Lee*, Fitzhugh Lee, p. 64.

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dered forever odious the name of "Negro-trader." The good results of these conditions were evidenced in the higher measure of character, courtesy and capacity, which, as a whole, distinguished the negroes of Virginia.

The position of these Virginians was also of great importance in keeping before the mind of the people the conception that slavery was an abnormal institution, and that with her growth in wealth and white population, Virginia could and would free herself from what Robert E. Lee described as "a moral and political evil." Furthermore these sentiments were productive of an actual emancipation, the character and extent of which has been little appreciated. If devotion to the cause is to be measured by the actual manumissions effected, then Virginia's emancipators could contemplate with pride their record. George Wythe liberated his slaves at the close of the Revolution. Robert E. Lee, executor of George Washington Parke Custis, left his place at the front with the Army of Northern Virginia to emancipate the slaves of his testator as directed by the latter in his will.[1] Between these two there stretches a long line of emancipators, who, without compensation, liberated thousands of slaves. Mr. Ballagh estimates this number as high as one hundred thousand.[2] These slaveholders incurred not only the pecuniary loss of this great emancipation, but in many instances the expense of colonization. When, too, it is remembered that their communities were often thus further burdened by the problems incident to the presence of an increasing body of freedmen, the full import of the beneficence is better appreciated. That many of these ex-slaves, despite statutes

[1] *Will Book No.* 4, p. 267, Clerk's Office, Alexandria County, Virginia.

[2] *History of Slavery in Virginia,* Ballagh, p. 144.

and the efforts of masters and others to settle them at points beyond the state, remained in Virginia is attested by the Federal census, from which it appears that in 1860 there were still fifty-eight thousand and forty-two free negroes within her borders.

XVI

Specimens of Deeds and Wills Emancipating Slaves

An examination of a few of the great number of deeds and wills which are to be found on record throughout Virginia will serve to illustrate the motives of her emancipators and the many difficulties which confronted them. These emancipations may be grouped in three periods,—from 1782 to 1806, from 1806 to 1833, and from 1833 to the outbreak of the Civil War. Each of these periods had its peculiar characteristics with reference to the problem of emancipation in Virginia. From 1782 to 1806 the law permitted emancipation without qualification, and public opinion, in the state, while deploring the existence of slavery was willing to permit the slaveholders to control, in large measure, the times and methods of its abolition. The period from 1806 to 1833 marked the years when anti-slavery sentiment showed increasing strength. The antipathy, however, to the presence of the free negro was equally pronounced and resulted in the laws which required his removal from the state within a year after his emancipation. This requirement invested emancipation with new, practical, as well as ethical difficulties. This period opened with the act which denied to slaveholders the unqualified right of emancipation—and it ended with the Nat Turner Insurrection and the futile attempts of the General Assembly to successfully meet the difficulties of the situation. The years from

1833 to 1860 were burdened with all the difficulties of the previous periods, as well as with the embarrassments growing out of the efforts of the Abolitionists beyond the state and of the pro-slavery advocates within her borders.

An examination of the following extracts from the deeds and wills of emancipators will serve to illustrate the truth of these views.

Extract from deed of Joseph Hill, of Isle of Wight County, dated March 6th, 1783:

"I, Joseph Hill, of Isle of Wight County in Virginia, after full and deliberate consideration, and agreeable to our Bill of Rights, am fully persuaded that freedom is the natural life of all mankind, and that no law, moral or divine, hath given me a just right or property in the persons of any of my fellow-creatures, and desirous to fulfil the injunction of our Lord and Saviour, Jesus Christ, by doing to all others as I would be done by in a like situation . . . do hereby emancipate and set free all and every of the above named slaves, &c."[1]

Extract from deed of Charles Moorman, of Campbell County, dated September 1st, 1789:

"I, Charles Moorman, from mature consideration and the conviction of my own mind, being fully persuaded that freedom is the natural right of all mankind, and that no law, moral or divine, has given me a right to or property in the persons of any of my fellow-creatures, and being desirous to fulfil the injunction of our Lord and Saviour, Jesus Christ, by doing to others as I would be done by—do therefore declare that having under my care twenty-eight slaves, (naming them), I do for myself, my heirs, executors and administrators, hereby release unto them

[1] *Deed Book No.* 15, p. 122, in Clerk's Office, Isle of Wight County, Virginia.

the said slaves all my rights, interest, claims or pretensions of claims whatsoever to their persons or any estate they may acquire, &c."[1]

Extracts from deeds of Robert Carter, of Westmoreland County, each dated the 1st day of January, 1793:

"Whereas the General Assembly of the Commonwealth of Virginia did in the year seventeen hundred and eighty-two enact a law entitled 'An Act to Authorize the Manumission of Slaves,' know all men by these presents that I, Robert Carter, of Nomony Hall, in the County of Westmoreland, do under the said act for myself, my heirs, executors and administrators, emancipate and forever set free from slavery the following slaves." (Here follow the names of the slaves, twenty-seven in number.)[2]

And on the same day a similar deed emancipating thirty slaves.[3]

Extract from deed of Francis Preston, of Washington County, dated the 20th day of September, 1793:

"Whereas my negro man, John (alias) John Broady, claims a promise of freedom from his former master, General William Campbell, for his faithful attendance on him at all times, and more particularly while he was in the army in the last war, and I who claim the said negro, in right of my wife, daughter of said General William Campbell, feeling a desire to emancipate the said negro man John as well for the fulfilment of the above mentioned promise as the gratification of being instrumental of promoting a participation of liberty to a fellow-creature, who by nature is entitled thereto, do by these presents,

[1] *Deed Book No.* 2, p. 418, in Clerk's Office, Campbell County, Virginia.

[2] *Deed and Will Book No.* 18, p. 213, in the Clerk's Office, Westmoreland County, Virginia.

[3] *Idem*, p. 244.

for myself, my heirs, executors and administrators, fully emancipate and make free, to all intents and purposes, the said negro man John (alias) John Brody from me and my heirs forever."

Extract from the will of Richard Randolph, Jr., admitted to record in Clerk's Office of Prince Edward County, April 8th, 1797:

"In the first place—to make retribution as far as I am able to an unfortunate race of bondsmen over whom my ancestors have usurped and exercised the most lawless and monstrous tyranny, and in whom my countrymen by their iniquitous laws in contradiction of their own Declaration of Rights . . . have vested me with absolute property; . . . to exculpate myself to those who may perchance think or hear of me after death from the black crime which otherwise would be imputed to me of voluntarily holding the above mentioned miserable beings in the same state of abject slavery in which I found them on receiving my patrimony at lawful age; to impress my children with just horror at a crime so enormous and indelible, and to adjure them in the last words of a fond father never to participate in it . . . I do declare that it is my will and desire, nay, most anxious wish, that my negroes, all of them, be liberated, and I do declare them by this writing free and emancipated to all intents and purposes whatsoever."[2]

[1]*Deed Book for Year* 1793, in Clerk's Office of Washington County, Abingdon, Virginia.

[2]See *Will Book* for 1797, Clerk's Office, Prince Edward County, Farmville, Virginia.

Note: Mr. Randolph explained in his will that he did not emancipate his slaves by deed because at the date his will was written they were still bound for certain debts of his father from whom he inherited them. In accordance with his will they were all, some two hundred in number, finally set free. Richard Randolph was the brother of John Randolph of Roanoke and a stepson of St. George Tucker.

Extract from the will of George Washington, dated July 9th, 1799, recorded in the Clerk's Office of Fairfax County:

"Upon the decease of my wife, it is my will and desire that all the slaves whom I hold in my own right shall receive their freedom. To emancipate them during her life would, though earnestly wished by me, be attended with such insuperable difficulties on account of their intermixture by marriage with the dower negroes as to excite the most painful sensations, if not disagreeable consequences to the latter, while both descriptions are in the occupancy of the same proprietor; it not being in my power under the tenure by which the dower negroes are held to manumit them."

The will further provides that all slaves who at the time of their emancipation are unable, by reason of old age, bodily infirmities, or youth, to support themselves shall be cared for out of his estate, the testator declaring:

"I do moreover most pointedly and most solemnly enjoin it upon my executors hereafter named, or the survivors of them, to see that this clause respecting slaves and every part thereof be religiously fulfilled at the epoch at which it is directed to take place without evasion, neglect or delay, after the crops which may then be in the ground are harvested, particularly as it respects the aged and infirm; seeing that a regular and permanent fund be established for their support as long as there are subjects requiring it."[1]

Extract from the will of Jesse Bonner, of Dinwiddie, dated 8th April, 1797, and admitted to probate 17th April, 1803:

"Item: I leave the use of the plantation whereon I now

[1] *Life of Washington*, Irving, Vol. V, p. 439.

live and my New Survey adjoining it to my beloved wife, Rebecca Bonner, during her life or widowhood; also all the negroes belonging to me.

"Item: My will and desire is that all the above negroes which I have lent to my beloved wife, Rebecca Bonner, namely (here the slaves, fifteen in number, are named), with all their increase from this day, be emancipated and go free at the death or marriage of my beloved wife, Rebecca Bonner.

"Item: My will and desire is that if I have no child the plantation whereon I now live together with my New Survey, be given to my negroes and their heirs forever, after the death or marriage of my beloved wife, Rebecca Bonner."[1]

The reader will observe, that in many of the foregoing extracts the anti-slavery sentiments of the emancipators are freely and vigorously expressed and the act of emancipation is, in many instances, based upon the conviction that slavery was repugnant alike to the political institutions of the state and the principles of the Christian religion.

During the time from 1806-1833 there seems to have been a diminution in the number of emancipations, especially in the earlier years of that period. This was doubtless to be accounted for by the difficulties, resulting from the law, which required the removal of the slave from the state within twelve months next succeeding his emancipation. However, with the increase in the facilities of travel, some of these practical difficulties were overcome, and during the latter years of the period the number of emancipations annually made were as large as, if not larger than, previous to the enactment of the law.

Extract from the will of Charles Ewell, of Prince William

[1]See *Will Book for Year* 1803, Dinwiddie Court-House, Virginia.

County, dated 8th October, 1823, and admitted to probate 3rd November, 1823:

"It is my will that all the increase of my negroes named shall be free at the age of twenty-five, and their increase, if any, to be free at the same age (those only who were born before their parents arrived at the age of twenty-four), those born after to be liberated with their mothers."[1]

Extract from the will of John Smith, of Sussex County, dated 9th November, 1825, and admitted to probate 2nd March, 1826:

"At the death of my beloved wife, I direct that all of my negroes, without regard to age, sex or condition, with all their future increase, be, by my executor, sent to the African Colonization Settlement, established for the removal of free black persons of color from the United States; and believing freedom to be the natural birthright of all persons and having spent many of my best days in defense thereof, I do hereby declare all of my said slaves or negroes, with their future increase . . . to be emancipated and free . . . from and after the death of my said wife. And I do hereby give and grant to each of said negroes so emancipated, without regard to age, sex or condition, one good serviceable hat, one pair shoes and stockings, blanket and one year's provisions, exclusive of ship provisions on board, to carry with them. . . . I hereby direct my executors to pay all expenses of removing said emancipated slaves out of any money that may be in their hands belonging to my estate."[2]

Extract from the will of John Ward, Sr., of Pittsylvania

[1]See *Will Book M.*, p. 103, Prince William County, Virginia.

[2]See *Will Book K.*, p. 322, Clerk's Office of Sussex County.

Note: The inventory of Smith's estate shows that he owned forty-three slaves at the time of his death. Testator was a soldier in the Revolutionary Army.

County, dated the 30th day of July, 1826 and recorded the 20th of November, 1826:

"It is my will and desire that all my slaves now living or which may be living at the time of my death be free and I do hereby bequeath to each and every one of them their freedom immediately upon my death in as full and unlimited a manner as the laws of Virginia will admit of. But should any of my slaves choose not to avail themselves of this bequest of their freedom with the conditions which the law may annex, then it is my will and desire that they have the privilege of choosing their master who may take them at the valuation of two good men, to be chosen by my executors, and should the females thus electing choose to keep any of their children with them it is my will that said children be at liberty to obtain their freedom at the age of twenty-one years in the same manner. . . . I give to all my slaves over fifteen years at the time of my death each the sum of twenty dollars—excepting Davy and Nancy, having already given them one hundred and fifty dollars each."[1]

Extract from the will of Martha E. Peyton, of Prince William County, dated the 30th June, 1831, and admitted to probate October 3rd, 1831:

"Secondly, I do hereby will and direct that after my debts are paid in the manner aforesaid that all my negroes without exception shall be emancipated and have their freedom; they having served me during my life and as I am unwilling for them to be kept in slavery or owned by any person after my death."[2]

Extract from the will of Aylette Hawes, of Rappahannock County, dated the 9th August, 1832, and admitted to probate 7th October, 1833:

[1]See *Will Book No.* 1, p. 109, Clerk's Office, Pittsylvania County, Virginia.

[2]See *Will Book N.*, p. 383, Prince William County, Virginia.

"I do hereby free and emancipate all my slaves that I may own at my death, that I may not hereafter dispose of; such of the said slaves that are old and infirm, I wish to have the liberty of choosing their place of residence with any of my relations, and to receive from my estate such assistance as, with the work they are able to do, will render them profitable without being an encumbrance where they live; and to Jack, who, besides being old and infirm, is also afflicted in his legs, I leave fifty dollars. Such of my said slaves as are so nearly white as to render it unsafe for them to go to Liberia I desire may be sent to the State of Ohio, or where slavery is not tolerated, at the expense of my estate. I desire my said slaves thus sent at the expense of my estate to Ohio, to be put under the protection and patronage of David S. Dodge and his family and that the said David S. may be amply compensated from my estate for any trouble or expense he may be at in patronizing the said slaves. I desire all my other slaves to be transferred to the proper agent of the African Colonization Society, with twenty dollars each, for their transportation to Liberia."[1]

Extract from will of John Randolph of Roanoke, dated May, 1819, admitted to probate in 1833:

"I give to my slaves their freedom, to which my conscience tells me they are justly entitled. It has a long time been a matter of deepest regret to me that the circumstances under which I inherited them and the obstacles thrown in the way by the laws of the land have prevented my emancipating them in my lifetime, which it is my full intention to do in case I can accomplish it."

The will makes provision for the purchase of land in some one of the free states and for removing the ex-slaves,

[1]See *Will Book A.*, p. 16, Clerk's Office, Rappahannock County, Virginia.

Note: Hawes was for many years a member of Congress from Virginia and the inventory of his estate shows that at the time of his death, he owned one hundred and five slaves.

some three hundred and fifty in number, to their new homes to be provided for them thereon, the same to be equipped with farming utensils, etc.[1]

Extract from will of William H. Fitzhugh of Ravensworth, Fairfax County, dated March 21, 1829:

"After the year 1850 I leave all my negroes unconditionally free, with the privilege of having the expenses of their removal to whatever places of residence they may select, defrayed. And as an encouragement to them to emigrate to the American Colony on the coast of Africa, where I believe their happiness will be most permanently secure, I desire not only that the expense of their emigration may be paid but that the sum of fifty dollars shall be paid to each one so emigrating on his or her arrival in Africa."

The will makes provision for a fund to carry out the foregoing directions.[2]

[1] *Life of John Randolph*, Garland, Vol. II, p. 149.
[2] *Will Book No.* 1, p. 57, Clerk's Office, Fairfax County, Virginia. Mr. Fitzhugh was the maternal uncle of Mrs. Robert E. Lee.

XVII

Specimens of Deeds and Wills Emancipating Slaves (Concluded)

The deeds and wills during the period from 1833 to the Civil War made increasingly large provisions for the removal and colonization of the freedmen. It may be also noted that arraignments of slavery became very rare during that period. The same influences which almost hushed the voice of anti-slavery orators in Virginia, were effective in banishing from the deeds and wills of emancipators expressions which might give aid and comfort to the men who were daily denouncing the civilization and morality of the state. Though these arraignments might almost stop the discussion of slavery in Virginia, yet they could not destroy the sentiment in favor of emancipation. The liberation of slaves continued without diminution down to the outbreak of the Civil War. It may be also noted that these instances of emancipation go far to disprove the charge that the Virginia friends of negro colonization were inspired simply by a desire to remove the free negroes from the state in order to make more sure the tenure by which they held their slaves. John Randolph of Roanoke, General Blackburn, Bishop Meade, William Henry Fitzhugh and George Washington Parke Custis were all leaders in the colonization movement, and all of them emancipated their slaves.

Extract from the will of Samuel Blackburn of Bath County, dated the 30th of October, 1834:

"That all the slaves of which I may die seized and

possessed, without distinction of age or sex, be, and they are hereby, declared free and forever emancipated, &c. . . . And as soon as the necessary arrangements can be made by my executors they shall be transported to the American Colony in Liberia and the expense of transportation be charged upon my estate, real and personal. It is, however, expressly and implicitly understood that if any of my slaves aforesaid refuse to accept this boon it will be the duty of my executors and they are hereby requested so to do, to sell to the highest bidder in terms of the sale all who thus refuse and persevere in refusal, as slaves for life. And here let me admonish and warn these people how they let slip this golden moment of emancipating themselves and their posterity forever from that state of slavery and degradation in which I found them and in which many of them have long served me."

By a codicil the testator provided that with respect to any slaves who might refuse to accept their freedom upon condition that they be transported to Liberia, his executors should not sell them separately but in families and by private sale to considerate masters.[1]

Extract from the will of Carter H. Edlow of Prince George County, dated the 20th of March, 1838, and admitted to probate the 13th of August, 1844:

"I desire that my estate shall be kept together and cultivated to the best advantage until a sufficient sum can be raised to pay my debts, should there be any deficiency in the amount of money on hand and debts due me, and to raise a sufficient sum to pay for the transportation of my slaves to any free state or colony which they may prefer and give to each slave fifty dollars on their departure. . . . It is not my wish to force them away without their consent; in the event of any of them preferring to remain in slavery they must take the disposition hereinafter directed."

[1] *Will Book No.* 14, p. 263, Clerk's Office, Bath County, Virginia.

The testator then devises the residuum of his estate to his nieces, along with such of his slaves as refuse to accept freedom.[1]

Extract from deed of William Meade, of Clarke County, dated the 29th of April, 1843:

"Know all men by these presents that I, William Meade, of the County of Clarke and State of Virginia, with a view of preparing a certain female mulatto slave, named Lucy, for the enjoyment of the freedom hereinafter bestowed upon her, have . . . bound the said female, Lucy, now about seventeen years of age, to a certain J. W. Stockton, residing in the State of Pennsylvania, until the said Lucy arrives at the age of twenty-one years, &c. . . . do give and grant unto the said Lucy her freedom forever and do hereby manumit her from my service, forever, &c."[2]

Extract from the will of Thacker V. Webb, of Orange County, admitted to probate August 28th, 1843:

"I will and direct that at and after my death, my slaves, James, Joseph, Kendall, Judy and all the remainder of them both old and young (not enumerated and specified by their respective names) and all the future increase of all the females be, and they are hereby fully and entirely liberated, and forever emancipated and set free from the involuntary service of all and every person or persons whatsoever; and that no operation of any law whatsoever shall be allowed, or in any wise prevent the said slaves from receiving and enjoying their full, entire and complete freedom and emancipation, I will and direct that my executor or administrator hereinafter named, shall procure a home for the slaves, or persons above liberated, in some non-slavehold-

[1] *Will Book No.* 1, p. 90, New Records, Clerk's Office, Prince George County, Virginia.

[2] *Deed Book B.*, p. 467, Clerk's Office, Clarke County, Virginia.

Note: William Meade was the Bishop of the Episcopal Diocese of Virginia from 1829 to 1862.

ing state, and for this purpose I hereby appropriate the sum of four thousand dollars, to be laid out in land, farming utensils, and bearing their expenses, and if any overplus shall remain, I direct it to be equally divided among them all, and given to the fathers and mothers for their joint use and benefit."[1]

Extract from will of Albert Early, of Madison County, dated the 25th of May, 1839, admitted to probate 25th day of November, 1847:

"I give and bequeath unto my above named executors all the negro slaves that I now own or may own . . . I do most solemnly and seriously request and exhort them to do with my said negro slaves as I now prescribe, that it is my wish that they . . . should be liberated so that they may enjoy all the liberties and blessings of a free and independent people, and not approving the custom of liberating slaves to remain in the United States, I would recommend to my said executors to select for their residence some section of country which . . . may supply them, the above named negro slaves, with all the comforts and necessaries that may render their lives as agreeable and easy as possible."

The will further authorizes the executors to sell so much of the lands and other property of the testator as may be necessary to pay his debts and then to apply so much of the proceeds as the above named "executors may think proper for the removal and settlement of my above named negro slaves."

The will concludes:

"That it is owing to no malignity of feelings towards my relations that I have thus disposed of my negro slaves, but because I think they own enough of them without

[1] *Will Book No.* 10, p. 17, Clerk's Office, Orange County, Virginia.

mine and I think that they are a general evil and withal I deprecate the principle."[1]

Extract from the will of John Warwick, of Amherst County, admitted to probate March 20th, 1848:

"I, John Warwick, of the County of Amherst, . . . do make, publish and declare this my last true will and testament. . . .

"First: The future condition of my slaves has long been a subject of anxious concern with me, and it is my deliberate intention, wish, and desire that the whole of them be manumitted and set free as soon after my demise as the growing crops shall be safe and the annual hires terminated, not later than the end of the year of my death, to be removed, or so many of them as I do not manumit and send to a free state during my life, with the exception hereinafter named, and settled in one or more of the free states of this Union under the care and direction of my executors, hereinafter appointed. Indiana is my choice.

"Second: To carry out the above bequest . . . next to the payment of any debts I may owe, my funeral expenses, and the charges of administration of my estate, I hereby declare that it is my wish and intention that my slaves shall on being emancipated have the whole of my estate now in being, or hereafter to be acquired, . . . for the purpose of creating a suitable fund in the hands of my executors for their comfortable clothing, outfit, travelling expenses and settlement in their new homes".[2]

Extract from the will of Frances Eppes of Henrico County, admitted to probate February 7th, 1848.

[1]See *Will Book No.* 8, p. 202, Clerk's Office, Madison County, Virginia.

[2]See *Will Book No.* 11, p. 577, Clerk's Office, Amherst County, Virginia.

Note: The appraisement of Mr. Warwick's estate showed that he owned seventy-four slaves at the time of his death, and his executor, Dr. David Patteson, removed them to the State of Ohio.

"It is my will and desire that all my slaves shall be emancipated and set free—and I do hereby emancipate and set free the following slaves, and the increase of the females among them, namely—" (Here follow the names of the slaves, twenty-seven in number)—"And with a view to accomplish this my intention in an effectual manner it is my will and desire that at my decease all my slaves of every description be committed to the special care and trust of my friends Joseph J. Pleasants of the County of Hanover, in this state, and Joseph Jones of the State of Ohio. . . .

"It is my will and desire that after all my just debts are paid, all the property of every description of which I may die seized, or the proceeds arising therefrom as may seem best to my executors hereinafter named, be divided among the said slaves so emancipated in such manner as the executors may deem fair and proper."[1]

Extract from the will of Sampson Sanders, of Cabell County, admitted to probate July 9th, 1849:

"It is my will and desire that all my slaves of every age and sex be free at the time of my death from all involuntary servitude. . . .

"I hereby direct my executors . . . to collect so much of my estate as may be necessary to buy land for my said slaves in the State of Indiana or some one of the free states of the United States of America as may be necessary for their comfortable support . . . assigning each head of a family their proper proportion of land . . . binding the heads of families and other young men for the comfortable support of the old and decrepit or weakly slaves during their natural lives. I hereby give and bequeath to my said slaves $15,000.00 to be paid out of my estate by my executors aforesaid."[2]

[1] *Will Book No.* 12, p. 495, Clerk's Office, Henrico County, Virginia.

[2] *Will Book A.*, p. 391, Clerk's Office, Cabell County, West Virginia.

Extract of will of Joseph Early, of Madison County, dated 22nd of December, 1852, and admitted to probate August 24th, 1854:

"My will is that my executors hereinafter named send my negroes that I now have to Liberia—give each of the men,—three in number—fifty dollars each and Verindy and all her children, one hundred dollars, to take with them, besides getting them out, and bacon enough to last them six months after they get to Liberia."[1]

Extract from the will of William D. Jennings, of Henrico County, admitted to probate August 1st, 1853:

"I hereby manumit, emancipate and set free all the rest and residue of my slaves, viz.:" (Here follow the names of the slaves, thirty-four in number) "and request that they shall be sent to and settled in Africa, in some good location, to be approved by my executor, after conference with the agent of the American Colonization Society, at Washington City."

The will further provides that after paying the debts of the estate the balance shall be applied:

"To the expenses of removal to, and settling in Africa, of all the slaves hereby emancipated. After defraying the expenses of their said removal to Africa, it is my will and desire that the whole surplus of my estate then remaining (after paying debts and legacies) shall be divided among my said emancipated slaves as follows, viz.:—" (Here follow the names of the slaves).[2]

Extract from the will of Traverse D. Herndon, of Fauquier County, dated the 2nd of December, 1854, and admitted to probate 25th of December, 1854:

[1] *Will Book No.* 9, p. 421, Clerk's Office, Madison County, Virginia.
[2] *Will Book No.* 14, p. 188, Clerk's Office, Henrico County, Virginia.

"Third: I desire that the servants formerly the property of Col. George Love, whose names and number have been sent on to the Colonization Society (The number thus designated were forty-eight, two have since been born) shall be sent to Liberia, so as to carry out the arrangements made with that society for their liberation, and I further wish that their expenses shall be paid to Baltimore, Md., and that my wife shall give them such an amount of money as she may think advisable."[1]

Extract from the will of Arthur B. Davies, of Amherst County, admitted to probate March 21st, 1853:

"It is my will and desire that all my slaves, fifteen in number and named as follows,—" (Here follow their names) "together with their future increase, shall be liberated and become invested with their freedom at my death, and for the purpose of removing them to some free state if that be lawful, or to Liberia if that shall become necessary, it is my will and desire that the debt now due to me by Charles S. Brown be collected and be used as a fund to effect that object. It is my further wish that in case any of my said slaves shall of their own free will and accord prefer remaining in slavery rather than accepting freedom under the provisions of this clause, then it is my desire that they shall be permitted to choose masters amongst any of my legatees hereinafter mentioned, and thereafter to become their slaves for life—the parents in such case to choose also for such of their infant children as may not be capable of making their own election."[2]

Extract from the will of Philip Lightfoot, of Culpeper County, admitted to probate May 21st, 1855:

"I hereby emancipate and set free all the slaves I may possess or be entitled to at the time of my decease, who

[1] *Will Book No.* 25, p. 274, Clerk's Office, Fauquier County, Virginia.

[2] *Will Book No.* 13, p. 51, Clerk's Office, Amherst County, Virginia.

are to enjoy their freedom as fully as if they had been born free. I give to each of my said slaves, without distinction of age or sex, the sum of one hundred dollars, to be paid to them respectively when my executor shall deliver to them their discharge from service. Moreover my executor is required to clothe each of them well, furnishing to each the necessary quantity of blankets and cause them to be moved to some place, or site, where they can enjoy their freedom, and I desire the clothing and expenses attending their removal to be paid out of my estate with the money on hand or money that can be first collected.

"My old and infirm negroes (if any) are to be supported in a suitable manner by my estate."[1]

Extract from the will of William Smith, of Orange County, admitted to probate September 28th, 1857:

"It is my will and desire that my house servant, Maria, my man, Paul, and my woman, Celia, be allowed to choose their masters or mistresses or either, and when they have made such selection, I hereby give and bequeath them to such person or persons as they may respectively select, provided the person or persons, so selected by them, will take them as their property, but if they cannot be thus disposed of, then my executors are to select suitable places for them where they will be well clothed and taken care of upon the most reasonable and best terms they can, paying out of my estate such sums of money as may be necessary for this purpose."[2]

Extract from the will of George Washington Parke Custis, of Fairfax County, admitted to probate December 7th, 1857:

"And upon the legacies of my four granddaughters

[1] *Will Book* F., p. 222, Clerk's Office, Culpeper County, Virginia.

[2] *Will Book No.* 12, p. 267, Clerk's Office, Orange County, Virginia.

being paid, and my estates that are required to pay the said legacies being free of debt, I give freedom to my slaves, the said slaves to be emancipated by my executors in such manner as to my executors may seem most expedient and proper, the said emancipation to be accomplished in not exceeding five years from the time of my decease.

"I do constitute and appoint as my executors, Lieut.-Col. Robert Edward Lee, Robert Lee Randolph, of 'Eastern View', Right Rev. Bishop Meade and George Washington Peter."[1]

Extract from deed of Eliza W. Cocke, of Smithfield, dated January 5th, 1857:

"Know all men by these presents that I, Eliza W. Cocke, of the Town of Smithfield, in the County of Isle of Wight, in the State of Virginia, from motives of benevolence have manumitted and set free from slavery, &c."[2]

Extract from the will of Louisa Muschett, of Prince William County, dated 19th March, 1856, and admitted to probate on the 12th February, 1858:

"I will and desire all my servants to be hired out for three years, and at the end of that time, to be free, each grown servant to have fifty dollars, and each child to have twenty-five dollars."[3]

Extract from the will of Robert Tinsley, of Amherst County, dated March 12, 1859, and admitted to probate January 20, 1862:

[1] *Will Book No.* 7, p. 267, Clerk's Office, Fairfax County, Virginia. Note: Robert E. Lee qualified as executor under this will and executed in 1862 the necessary papers emancipating the testator's slaves of whom there were one hundred and ninety-six.

[2] *Deed Book No.* 39, p. 344, Clerk's Office, Isle of Wight County, Virginia.

[3] See *Will Book Q.*, p. 433, Clerk's Office, Prince William County, Virginia.

"It is my will and desire that the residue of my slaves and future increase be emancipated and removed at the expense of my estate to one of the free states of this Union. Although there are some legal impediments, I suppose with the provisions I intend for them they can be settled in Ohio, or some other of the Western States. I wish them settled in families upon tracts of land to be purchased and secured to them to the amount of one hundred dollars a head, and furnished with a substantial suit of clothes suitable to the season and plain provisions sufficient for a year's supply, and this is to be done as soon as sufficient funds can be raised from collection of debts in aid of any money I may leave on hand. . . .

"If the slaves cannot be settled in Ohio, or some other free state of this Union, I wish them properly equipped and sent to Liberia at the expense of my estate."[1]

No attempt has been made to present extracts from all the great number of deeds and wills which are to be found of record in the various clerks' offices throughout Virginia but the foregoing have been selected as fairly representative, both with respect to the time of their execution, the different sections of the state in which they are to be found, and the social position of the emancipators. They are also illustrative of the great number of emancipations and of the difficulties and expenses incurred by Virginia slaveholders in effectuating that result.

[1] *Will Book No.* 16, p. 106, Clerk's Office, Amherst County, Virginia.

XVIII

The Small Number of Slaveholders in Virginia as Compared with Her Whole White Population

Among the many widespread misconceptions which existed with respect to slavery in Virginia, was the impression that the great majority of her citizens were slaveholders; that the slaves were scattered throughout the state, enriching by their labors every community, and that thus their emancipation was opposed from purely pecuniary motives. A presentation of the actual conditions will suffice to demonstrate that this impression was erroneous. The facts show that the slaveholders constituted a small minority of the population, and that, with comparatively few exceptions, the great body of the slaves were to be found within certain well defined sections of the state.

The United States census for 1860 fixes the white population of Virginia at 1,047,299 and the number of slaveholders at 52,128.[1] Admiral Chadwick, in his work, *Causes of the Civil War*, says: "Of the 52,128 slaveholders in Virginia, one-third held but one or two slaves; half held one to four; there were but one hundred and fourteen persons in the whole state who owned as many as a hundred each, and this out of a population of over a million whites."[2]

Thus, out of a population of over one million, only some

[1] *8th Census*, 1860, Vol. on Agriculture, p. 245.

[2] *Causes of the Civil War*, American Nation Series, Chadwick, p. 33.

fifty odd thousand men, women and children, were slaveholders, one-third of whom held only one or two slaves. If to the slaveholders be added such a number as would fairly represent those who were indirectly interested in a pecuniary way in slavery, the fact remains, that the overwhelming majority possessed no such incentive to support the institution.

By this same census the area of Virginia was fixed at 64,770 square miles, divided into one hundred and forty-eight counties. By an analysis of the census returns, it will appear that in the portion of the state lying west of the Blue Ridge Mountains, embracing eighty counties and 37,992 square miles, there were 596,293 whites and only 66,766 slaves; while in the remaining sixty-eight counties containing 26,778 square miles, there were only 451,006 whites and 424,099 slaves. Even with respect to this last mentioned portion of the state the slaves were not evenly distributed but were congested in certain well defined localities. Thus of the 424,099 slaves in the sixty-eight counties lying east of the Blue Ridge, 173,109 were in twenty-two counties situated between James River and the North Carolina border known as the "Black Belt," the white population of which was only 128,303.

The foregoing facts have an important bearing upon the statement so often found in the writings of historians and publicists, that the white population of Virginia and the South was composed in large measure of "slaveholders, arrogant and rich," and "poor whites," and that in the Civil War the former fought to defend their property interests in slaves, and the latter from a deep-seated fear that emancipation would reduce them to the social level of the blacks. It would seem impossible for such conditions to exist in counties and cities where the whites

largely outnumbered the blacks. "Arrogant slaveholders," counting their slaves by the scores and dominating the social and economic fortunes of their white neighbors, could be found only in sections where the slaves greatly outnumbered the whites. While agriculture was undoubtedly the pursuit in which a great majority of the people of Virginia was engaged, yet this majority was not made up of "arrogant slaveholders" and "poor whites." The United States census showed that the great body of her white people were small farmers, wage-earners, mechanics, merchants and professional men, with some not inconsiderable number of miners, fishermen and employees in manufactories. The prosperous, among this more numerous element of her population, had little or no pecuniary interests in slave property, while the poorer classes entertained as little fear for the preservation of their social status from the abolition of slavery, as they had pecuniary stake in its maintenance.

XIX

The Injurious Effects of Slavery upon the Prosperity of Virginia

From the foregoing statistics it appears that the slaveholders of Virginia constituted a small minority of her population, and that the slaves themselves were so grouped that the pecuniary advantage of their presence to the state —if any such advantage existed—was limited to certain well defined portions of her territory. That the institution of slavery, however, was a positive disadvantage to the material prosperity of Virginia is proved by the fact that free states, not half so richly endowed with natural resources, had far outstripped her in wealth and population, and also that as between the white and the slave sections of the commonwealth, the former were more prosperous.

Mr. Bancroft, writing in 1856, affirmed the truth of this position.

"Washington," he says, "was the director of his community of black people in their labor, mainly for their own subsistence. For the market, they produced scarcely anything but a 'little wheat'; and after a season of drought even their own support had to be eked out from other resources, so that with all his method and good judgment he, like Madison of a later day, and in accord with common experience in Virginia, found that where negroes continued on the same land, and they and all their increase were maintained upon it, their owner would become more and more embarrassed or impoverished."[1]

[1] *History of United States,* Bancroft, Vol. VI, p. 179.

Again the same author, contrasting the profitable character of slavery in the Cotton States, with its unprofitableness in Maryland and Virginia, says: "In the Northernmost of the Southern States slavery maintained itself, not as an element of prosperity, but as a baneful inheritance."[1]

In no way were the injurious effects of slavery more potent or more manifest than in retarding the growth of the white population of the state. The presence of the institution not only turned the tide of immigration from Virginia, but, during the three decades preceding the Civil War, it promoted a steady exodus of the whites from the slaveholding sections. Admiral Chadwick records that, "Nearly 400,000 Virginians were, in 1860, living in other states—nearly all of them Western, 75,874 in Ohio alone."[2]

Not only are the foregoing recitals true but it is equally true that their direful import was profoundly appreciated. Not all the people of Virginia lived in a Fool's Paradise. They balanced the known burdens of slavery against the anticipated burdens of emancipation—they compared the dangers and losses of present conditions with the problems of a future in which the slaves would be free, yet still in their midst; but by no calculation could the continuance of slavery be upheld because of the pecuniary benefits derived from its existence. The published sentiments of Virginians during the three decades immediately preceding the Civil War will serve to confirm this position.

Among the petitions presented to the Virginia Convention of 1829-30, was one from the citizens of Staunton, praying the abolition of slavery.

"We waive," the petition recited, "at present the con-

[1] *Idem*, p. 262.
[2] *Causes of Civil War*, Chadwick, p. 35.

siderations of religion and humanity, which belong to this momentous subject, and present it as a naked question of policy, wisdom and safety. . . . We affirm that the possession and management of slaves form a source of endless vexation and misery within the house, and a waste and drain on the farm; . . . that the waste of the products of the land, nay, of the land itself is bringing poverty upon all its inhabitants; that this poverty and the supineness of our population either prevent the institution of schools through the country or keep them in the most languid and inefficient condition; and that the same causes must obviously paralyze all our schemes and efforts for the needful improvement of the country. . . .

"It is conceded on all hands that Virginia is in a state of moral and political retrogression among the states of the Confederacy. . . . We humbly suggest our belief, that the slavery which exists, and which, with gigantic strides, is gaining ground amongst us, is, in truth, the great efficient cause of the multiple evils which we all deplore. We cannot conceive that there is any other cause sufficiently operative to paralyze the energies of a people so magnanimous, to neutralize the blessings of Providence, included in the gift of a land so happy in its soil, its climate, its minerals and its waters and to annul the manifold advantages of our Republican freedom and geographical position. If Virginia has already fallen from the high estate, and if we have assigned the true cause of her fall, it is with utmost anxiety that we look forward to the future, to the fatal termination of the scene."[1]

To show that the views here expressed by the citizens of Staunton were not peculiar to the people of that locality we insert extracts from speeches made two years later by representatives in the Virginia Legislature, from counties as widely separated as Fauquier and Rockbridge, Berkeley and Buckingham.

[1] *Niles' Register*, Vol. XXXVI, No. 932, p. 356.

Thomas Marshall, of Fauquier County, speaking in 1832, in the Virginia House of Delegates, said:

"Our towns are stationary, our villages almost everywhere declining and the general aspect of the country marks the course of a wasteful, idle, reckless population, who have no interest in the soil, and care not how much it is impoverished. Public improvements are neglected, and the entire continent does not present a region for which Nature has done so much and art so little. If cultivated by free labor, the soil of Virginia is capable of sustaining a dense population among whom labor would be honourable, and where the busy hum of men would tell that all were happy and that all were free."[1]

In the same debate, Charles J. Faulkner, of Berkeley County, said:

"Sir, if there be one who concurs with that gentleman, (Mr. Gholson, of Brunswick) in the harmless character of that institution, let me request him to compare conditions of the slaveholding portion of this commonwealth, barren, desolate and seared, as it were, by the avenging hand of Heaven, with the descriptions which we have of this same country from those who first broke its virgin soil. To what is this change ascribable? Alone to the withering, blasting effects of slavery."[2]

Philip A. Bolling, of Buckingham County, said:

"If we turn our eyes to that part of the country which lies below the mountains, and particularly below the falls of the rivers, it seems as if some judgment from Heaven had poured over it and scarred it; fields once cultivated are now waste and desolate; the eye is no longer cheered

[1] *Virginia Slavery Debate,* 1832, White, Speech of Thomas Marshall, p. 6.

[2] *Idem,* Speech of Charles J. Faulkner, p. 7.

by the rich verdure that decked it in other days; no, sir, but fatigued by an interminable wilderness of worn out, gullied, piney old fields."[1]

James McDowell, in the same debate, said:

"Sir, it is true of Virginia, not merely that she has not advanced, but that in many respects she has greatly declined; and what have we got as a compensation for this decline? As a compensation for this disparity between what Virginia is and what she might have been? Nothing but the right of property in the very beings who have brought this disparity upon us. This is our pay; this is what we have gotten to remunerate us for our delinquent prosperity; to repay us for our desolated fields; our torpid enterprise; and in this dark day of our humbled importance, to sustain our hopes and to soothe our pride as a people."[2]

Jesse Burton Harrison, in an article published in the *American Quarterly Review*, December, 1832, sets out at length the poverty of Virginia, and the disastrous effects of slavery upon her industrial development.

"What," says Mr. Harrison, "is now the productive value of an estate of lands and negroes in Virginia? We state as a result of extensive inquiries, embracing the last fifteen years, that a very great portion of the larger plantations, with from fifty to one hundred slaves, actually bring their proprietors in debt at the end of the short term of years, notwithstanding what would once, in Virginia, have been deemed very sheer economy; that much the larger part of the considerable land-owners are content if they barely meet their plantation expenses without a loss of capital, and that those who make any profit, it will, in

[1] *Virginia Slavery Debate*, 1832, White, Speech of Philip A. Bolling, p. 14.

[2] *Idem*, Speech of James McDowell, p. 18.

none but rare instances, average more than one to one and a half per cent, on the capital invested. The case is not materially varied with the smaller proprietors. Mr. Randolph of Roanoke, whose sayings have so generally the raciness and truth of proverbs, has repeatedly said in Congress that the time was coming when the masters would run away from their slaves, and be advertised by them in the public papers. . . . Of the white emigrants from Virginia, at least half are hard working who carry away with them little beside their tools and a stout heart of hope. The mechanics' trades have failed to give them bread. Commerce, she has little, shipping none, and it is a fact that the very staple of the state, tobacco, is not exported by her own capital. The state does virtually a commission business in it. All the sources of prosperity, moral and economical, are deadened; there is general discontent with one's lot; in some of the first settled and choicest part of her territory symptoms are not wanting of desolate antiquity. And all this in youthful America, and in Virginia too, the fairest region of America and with a race of people inferior to none in the world in its capacity to constitute a prosperous nation."

In the address of Dr. Henry Ruffner, President of Washington College, delivered in 1847, heretofore quoted from, the author by a mass of statistics shows how slavery had injured the state by decimating its white population, paralyzing its agriculture and almost destroying its manufacturing and commercial interests.

"We esteem it," says Dr. Ruffner, "a sad, a humiliating fact which should permeate the heart of every Virginian, that from the year 1790 to this time, Virginia has lost more people by emigration than all the old free states together. Up to 1840, when the last census was taken, she had lost more by near three hundred thousand. . . . She has sent, or we should rather say, she has driven from her soil, at least one-third of all the emigrants who have gone

from the old states to the new. . . . It is in the last period of ten years from 1830 to 1840, that this consuming plague of slavery has shown its worst effects in the old Southern States. . . . East Virginia actually fell off twenty-six thousand in population; and with the exception of Richmond and one or two other towns, her population continues to decline. Old Virginia was the first to sow this land of ours with slavery; she was also the first to reap the full harvest of destruction."

The author then proceeds to show from the report of Professor George Tucker, of the University of Virginia, that in New England agriculture yields an annual value averaging one hundred and eighty dollars per hand; and the Southern States a hundred and thirty dollars per hand; and proceeds: "Now it is admitted on all hands that slave labor is better adapted to agriculture than to any other branch of industry; and that, if not good for agriculture, it is really good for nothing."

Referring to the subject of manufactures, and the blighting influence of slavery thereon, the author says: "Of all the states in this Union, not one has on the whole such various and abundant resources for manufacturing as our own Virginia both East and West."

Notwithstanding these advantages, the author demonstrates from the census that the state has scarcely entered upon the work of manufacturing her raw material. Thus in four leading manufactures, the output in New York was twenty-one millions, New Jersey, six millions, and Pennsylvania, sixteen millions in value; while that of Virginia was two and three-fourths millions. With respect to the commerce of the state, the author, after pointing out her exceptional advantages growing out of her fine harbors and numerous rivers, declares:

"That the commerce of our old slave-eaten commonwealth has decayed and dwindled away to a mere pittance in the general mass of American trade.

"The value of her exports, which, twenty-five or thirty years ago, averaged four or five millions a year shrunk by 1842 to two millions eight hundred and twenty thousand dollars, and by 1845 to two million one hundred thousand dollars."

"Her imports from foreign countries were, in the year 1765, valued at upwards of four millions of dollars; in 1791 they had sunk to two and one-half millions; in 1821 they had fallen to a little over one million; in 1827 they had come down to about half this sum; and in 1843 to the half of this again, or about one-quarter of a million; and here they have stood ever since—at next to nothing." . . .

"Why should every commercial improvement, every wheel that speeds the movement of trade, serve but to carry away from the slave states more and more of their wealth for the benefit of the great Northern cities? The only cause that can be assigned is that where slavery prevails, commerce and navigation cannot flourish, and commercial towns cannot compete with those in the free states."[1]

R. R. Howison, in his *History of Virginia*, published in 1848, replying to the question whether the state has prospered: "As her physical resources would warrant us in expecting: has she held her place in the great march of American States during the present century?" answers:

"It has long been the sad conviction of her most enlightened children that these questions must be answered in the negative. . . . It must, therefore, be regarded as a truth, but too fully established, that Virginia has fallen below her duty; that she has been indolent while others have been laborious; that she has been content to avoid a movement positively retrograde while others have gone

[1]*The Ruffner Pamphlet.*

rapidly forward. Her motion compared with that of Massachusetts and Ohio might, in familiar terms, be likened to the heavy stage coach of the past century, competing with the fine steam car of the present.

"For this sluggishness and imbecility many causes might be assigned, . . . but there are three sources in which, as we believe, the evil dispositions of our state so naturally flow that they ought to receive special notice."

These were, want of popular educational facilities, lack of internal improvements, and the existence of slavery.[1] The author says:

"The last and most important cause unfavorably affecting Virginia which we shall mention is the existence of slavery within her bounds. We have already seen the origin and progress of this institution. As to its evils, we have nothing new to offer; they have long been felt and acknowledged by the most sagacious minds in our state."[2]

Bishop Meade, in a note to his history, *Old Churches, Ministers and Families in Virginia*, published in 1857, referring to the injurious effects of slavery upon Virginia's agricultural development, says: "That the agriculture of Virginia has suffered in times past from the use of slaves, we think most evident from the deserted fields, impoverished estates and emigrating population."[3]

In 1852, the Virginia Agricultural Society was organized, having among its membership and founders, the foremost planters and citizens of the state. From an address issued at the time, we make the following compilations and extracts:

[1]*History of Virginia*, Howison, Vol. II, pp. 510-511.
[2]*History of Virginia*, Howison, Vol. II, p. 517.
[3]*Old Churches, Ministers and Families of Virginia*, Meade, Vol. I, p. 90.

After reciting that Virginia was a community of farmers —eight-tenths of her industry being expended upon the soil, the address proceeds to point out that out of thirty-nine millions of acres she tills only a little over ten millions; that New York, on the other hand, with twenty-nine and a half millions, has subdued to the plough twelve and a quarter; while Massachusetts has reclaimed from the forests, quarry and marsh, two and one-tenth out of her little territory of five millions of acres; that the live stock of Virginia was worth only $3.31 for every arable acre; the live stock of New York, $6.07; and the live stock of Massachusetts, $4.52; that the proportion of hay for the same quantity of land was eighty-one pounds for Virginia, six hundred and seventy-nine pounds for New York, and six hundred and eighty-four pounds for Massachusetts; that whilst the population of Virginia had increased during the previous ten years in a ratio of eleven to sixty-six, New York had increased twenty-seven to fifty-two, and Massachusetts thirty-four to eighty-one. The address then proceeds:

"In the above figures, carefully selected from the data of authentic documents, we find no cause for self-gratulation, but some food for meditation. They are not without use to those who would improve the future by the past. They show that we have not done our part in the bringing of land into cultivation; that notwithstanding natural advantages which greatly exceed those of the two states drawn into parallel with Virginia, we are yet behind them both. . . .

"When we contemplate our field of labor and the work we have done in it, we cannot but observe the sad contrast between capacity and achievement. With a widespread domain, with a kindly soil, with a climate whose sun radiates fertility and whose very dews distill abundance,

we find our inheritance so wasted that the eye aches to behold the prospect."[1]

Henry A. Wise, in the canvass of 1856, preliminary to his election to the office of Governor, depicted the financial and industrial conditions then existing in Virginia.

"Commerce," said he, "has long ago spread her sails and sailed away from you. You have not, as yet, dug more than coal enough to warm yourselves at your own hearths; you have not yet spun more than coarse cotton enough in the way of manufacture to clothe your own slaves. You have no commerce, no mining, no manufactures. You have relied alone upon the single power of agriculture—and such agriculture! Your sedge patches outshine the sun. Your inattention to your only source of wealth has scarred the very bosom of mother earth."[2]

It will be observed that neither the authors of the address issued by the Agricultural Society of Virginia, nor Governor Wise, attribute the poverty and backwardness of Virginia to the institution of slavery. Their statements, however, are none the less valuable as showing the status—financial and industrial—to which Virginia had been reduced.

[1] *A Journey in the Seaboard Slave States,* Olmstead, Vol. I, pp. 187-189.

[2] *The Impending Crisis in the South,* Helper, p. 90.

XX

The Custom of Buying and Selling Slaves—Virginia's Attitude

But it is charged that while slavery was unprofitable in Virginia, as a system of labor, yet the state had become a "breeding ground" where slaves were reared and sold for profit and that the advantages accruing from this traffic had destroyed all sentiment in favor of emancipation, and so lowered the moral standards of the people that, in 1861, they stood ready to fight for the maintenance of slavery and the inter-state slave trade.

Mr. Fiske says:

"The life of the anti-slavery party in Virginia was short. After the abolition of the African slave trade in 1808 had increased the demand for Virginia-bred slaves in the states farther south, the very idea of emancipation faded out of memory."[1]

The biographers of Lincoln, Nicolay and Hay, say:

"The condition of Virginia had become anomalous; it was little understood by the North and still less by her own citizens. . . . She still deemed she was the mother of Presidents: whereas she had degenerated into being like other Border States, the mother of slave breeders and of an annual crop of black-skinned chattels to be sold to the cotton, rice, and sugar planters of her neighboring commonwealths. . . . However counterfeit logic or mental reservations concealed it, the underlying feeling was to fight, no

[1] *Old Virginia and Her Neighbors*, Fiske, Vol. II, p. 191.

matter whom, and little matter how, for the protection of slavery and slave property."[1]

Let us apply to these charges what in lieu of a better term we will call the law of probabilities. Is it probable that the anti-slavery sentiments alluded to as being so strong in Virginia immediately succeeding the Revolution would have perished as early as 1808, simply because slaves had appreciated in value? While Washington and Henry and Mason died prior to 1808, yet their great compatriots Jefferson, Marshall, Madison and Monroe lived to dates long subsequent, filling the highest positions in the gift of the state and nation.

Will it be seriously urged that these men and others, of only less prominence, lost their influence with their countrymen because of the debasing influences of the domestic slave trade?

Again, it may be questioned whether between the date indicated, and the outbreak of the Civil War, the Virginians had so further degenerated as to stand ready to fight for slavery and property in slaves. While Virginia, in the period of the Civil War, presented no statesmen comparable to those of the Revolution, yet in all the elements of inspiring manhood, valor, sacrifice and devotion, her people were not one whit behind their ancestors. The debasing effects of "slave breeding" had not corrupted the great body of her people: if so, how can we account for the bearing of Virginians at Gettysburg, and on other fields of test only less heroic? Speaking of their part in that historic battle, Charles Francis Adams says:

"If in all recorded warfare there is a deed of arms, the

[1] *Abraham Lincoln, A History,* N. & H., Vol. III, p. 413.

name and memory of which the descendants of those who participated therein should not wish to see obliterated from any record, be it historian's page or battle flag, it was the advance of Pickett's Virginian Division across the wide valley of death in front of Cemetery Ridge. I know in all recorded warfare of no finer, no more sustained and deadly feat of arms."[1]

What of the Cadets at the Battle of New Market? Were those young heroes the sons of "slave breeders" and nurtured in homes darkened by such a debasing practice? What of the spirit and bearing of the great body of Virginia soldiers who followed Lee, and what place shall they and their commander take in the estimation of the world's best thought and conscience? President Roosevelt says:

"The world has never seen better soldiers than those who followed Lee, and their leader will undoubtedly rank as, without any exception, the very greatest of all the great captains that the English-speaking peoples have brought forth."[2]

What of Lee's character as a man, aside from his genius as a soldier? Lord Wolseley says:

"I have met many of the great men of my time, but Lee alone impressed me with the feeling that I was in the presence of a man who was cast in a grander mould, and made of different and of finer metal than all other men. He is stamped upon my memory as a being apart and superior to all others in every way; a man with whom none I ever knew, and very few of whom I have read, are worthy to be classed. I have met but two men who realized my ideas of what a true hero should be; my friend, Charles Gordon was one, General Lee was the other."[3]

[1] *Lee at Appomattox and Other Papers*, Adams, p. 425.
[2] *Thomas H. Benton*, Roosevelt, p. 34.
[3] *Robert E. Lee*, Wolseley, p. 12.

James Ford Rhodes says:

"A careful survey of his (Lee's) character and life must lead the student of men and affairs to see that the course he took was, from his point of view, and judged by his inexorable and pure conscience, the path of duty to which a high sense of honor called him. Could we share the thoughts of that high-minded man as he paced the broad pillared veranda of his stately Arlington house, his eyes glancing across the river at the flag of his country waving over the dome of the capitol, and then resting on the soil of his native Virginia, we should be willing now to recognize in him one of the finest products of American Life."[1]

If such were the character of the Virginians of the Civil War period, is it reasonable to speak of their "degeneracy" under the debasing influence of "slave breeding" and "the slave trade?" "Do men gather grapes of thorns or figs of thistles?"

Again, how was it possible that this system of breeding slaves for market could have so established itself in Virginia, and inspired the great body of her citizenship with a willingness to fight for its maintenance, in view of the existence of a public opinion which pursued with relentless ostracism the men who engaged in the traffic? For no offense was the public opinion of Virginia so merciless as for that of buying and selling slaves. More than for any other crime, the disgrace of its guilt passed beyond the offender to his innocent offspring. The existence of this public sentiment is an historic fact of unquestioned verity.

Writing in 1854, Reverend Nehemiah Adams, of Boston, who visited Virginia in that year, says: "Negro traders are

[1] *History of the United States*, Rhodes, 1904, Vol. III, p. 413.

the abhorrence of all flesh. Even their descendants where they are known, and the property acquired in the traffic, have a blot upon them."[1]

Abraham Lincoln, speaking on the 16th of October, 1854, at Peoria, Illinois, says:

"Again, you have among you a sneaking individual of the class of native tyrants known as a slave-dealer. He watches your necessities and crawls up to buy your slaves at a speculative price. If you cannot help it, you sell to him, but if you can help it, you drive him from your door. You despise him utterly; you do not recognize him as a friend, or even as an honest man. Your children must not play with his; they may rollick freely with the little negroes, but not with the slave-dealer's children. . . . If he grows rich and retires from business, you still remember him, and still keep up the ban of non-intercourse upon him and his family."[2]

It would seem impossible to reconcile the existence of this public sentiment with the idea that the state had degenerated into "the mother of slave breeders," and that her people, enamored of the profits, were given over to the work of rearing and selling slaves.

Against the charge, however, that the abolition of the foreign slave trade in 1808 and the contemporaneous invention of the cotton gin so enhanced the market value of slaves as to destroy the sentiment previously existing in Virginia for their emancipation, we place the well-attested fact that anti-slavery sentiment did not die at the time and for the causes specified. The truth is just to the contrary. Anti-slavery sentiments among the people grew

[1] *South Side View of Slavery*, Adams, p. 78.

[2] *Abraham Lincoln, Letters, Speeches and State Papers*, N. & H., Vol. I, p. 194.

steadily during the next quarter of a century. The setback which occurred in 1832-33 arose, as we have seen, from other causes. The existence of the strongest anti-slavery sentiment at the latter date cannot be questioned. Said Charles James Faulkner in the great debate in the Virginia Legislature of 1832: "Sir, I am gratified to perceive that no gentleman has yet arisen in this hall, the avowed advocate of slavery. The day has gone by when such a voice could be listened to with patience or even forbearance."

George Ticknor Curtis, of Boston, writing a half century later, says: "It may be asserted as positively as anything in history that in the year 1832 there was nowhere in the world a more enlightened sense of the wrong and evil of slavery than there was among the public men and people of Virginia."[2]

Was the anti-slavery sentiment of 1833 a reminiscence or a growth? Had it simply survived with diminishing strength the fervor of the Revolution or was it an increasing power which had its origin at that period? The Rev. Dr. Philip Slaughter writes: "That (1831) was the culminating point—the flood-tide of anti-slavery feeling which had been gradually rising for more than a century in Virginia."[3]

Thomas Jefferson Randolph in his speech before the Legislature of 1832 deplored the fact that Mr. Jefferson had not lived: "to see the revolution of the public mind of Virginia. He has not lived to see a majority of the House of Delegates in favor of abolition in the abstract."[4]

Washington and Jefferson have both left on record the

[1] *Virginia Slavery Debate*, 1832, White.
[2] *Life of James Buchanan*, Curtis, 1883, Vol. II, p. 277.
[3] *Virginian History of African Colonization*, Slaughter, p. 55.
[4] *Slavery Debate*, 1832, White, T. J. Randolph's Speech, p. 13.

fact that the people of Virginia of the Revolutionary period would not tolerate any proposal of emancipation. Mr. Randolph in his speech just quoted from said: "Sixty-two years ago when a proposition was made in the Legislature of Virginia by one of the oldest, ablest and most respected members . . . to ameliorate the condition of the slaves he was . . . denounced as an enemy of his country."

The constitutions of the ante and post-Revolutionary periods in Virginia all required property qualification as a prerequisite to the suffrage, and apportioned representation in the General Assembly to the several cities and counties on the basis of property and white population, rather than on the latter alone. Under this system, the slaves being taxed as property, the slaveholders and their counties exercised a power far in excess of that enjoyed by their brethren in the non-slaveholding sections. The General Assembly elected every state official, including the Governor and the judges of the higher courts, and thus in the hands of that body was lodged complete control of every department of the state government.

The constitution of 1830 admitted to the suffrage, in addition to property-owners, only the citizen "who for twelve months next preceding (the election) has been a housekeeper and head of a family . . . and shall have been assessed with a part of the revenue of the commonwealth within the preceding year and actually paid the same." But this constitution retained in the hands of the General Assembly the election of all the state officials, including the Governor, and continued in force the "mixed basis" in apportioning representatives among the several cities and counties.[1] With suffrage thus restricted, with a General

[1] *Code of Virginia*, 1849, pp. 35 to 45.

Assembly in which property in slaves secured for the slaveholders and their counties an additional representation over that of the non-slaveholders, and with every officer of the state government elected by the Legislature thus constituted, the political dominance of the slaveholding counties over the non-slaveholding counties will be readily appreciated. The scheme was alike inequitable and un-Republican, yet it was not until the Reform Convention of 1850-51 that white manhood suffrage was established, the privilege of electing all state officials accorded to the people, and the changes made with respect to the basis of representation which would have eventually accorded to all the counties and cities representation in the General Assembly in proportion to their white populations.[1] To strip the slaveholding counties of their political power, to admit on an equal basis to the suffrage every white man in the commonwealth, and to accord to the electorate thus constituted the privilege of electing every high state official did not indicate the growth of pro-slavery sentiment. These achievements of the Convention were confessedly the most signal victories for liberty and progress which had marked the history of Virginia since her liberation from British rule. These fundamental changes in the constitution and in the relative rights and powers of the slaveholders and the slaveholding sections, as compared with the non-slaveholders and non-slaveholding sections, were ratified by the people by a vote of 75,748 to 11,063—only five counties in the state out of the one hundred and forty-eight giving majorities in the negative.[2]

[1]Article III, Section 1, and Article IV, Section 5, Constitution of Virginia, 1851.

[2]*Representation in Virginia*, Chandler, 1896, p. 7.

XXI

The Custom of Buying and Selling Slaves—Virginia's Attitude (Concluded)

Approaching the subject from another side, and reviewing all the sources of evidence, we may reach certain fairly accurate conclusions. At the close of the Revolution, Virginia was the largest slaveholding state in the Union. There soon grew up the conviction that in the dispersion or colonization beyond her borders of at least a large portion of this population lay the only method of effectually solving the slavery and racial problems. In consequence of this condition, various movements were evolved, some designedly for the attainment of these objects and others, while without such purpose, yet working to the same end.

As we have seen, slaves when emancipated were required to leave the state within one year from such date. Masters, ex-slaves and colonization societies were, therefore, all earnest to achieve this result. Hence arose the first cause for deportation—an influence and custom which continued up to the Civil War.

The prospects of improving their fortunes by emigrating to the newer states of Kentucky, Missouri and the South impelled large numbers of slaveholders to leave Virginia. They carried their slaves with them and hence arose a second cause which operated to deport each year many slaves from the state.

The ever increasing difficulty of obtaining (especially on the part of large slaveholders) any appreciable profit from

the labor of their slaves in the grain and tobacco fields of Virginia induced these proprietors to purchase cotton and sugar plantations in the South and thither from time to time to transport their slaves. These slaveholders did not always emigrate themselves. They simply changed the situs of their slaves, the latter being often accompanied by the sons of their masters. Thus a third cause carried annually from Virginia many hundreds of slaves.

The high prices which slaves commanded on the plantations of the far South and in the sparsely settled portions of the Southwest engendered the practice of buying slaves in Virginia and selling them for profit in those sections. Despite the opprobrium attached to this custom there were men willing to engage in the traffic and from choice or necessity there were slaveholders who supplied at least a portion of the demand. Hence, the fourth cause which contributed to the yearly deportation of slaves from Virginia.

Neither the United States census nor any other official data avail to fix the number of slaves which annually went from Virginia for each of the four several reasons above referred to. It is evident, however, that, as a rule, publicists not informed as to the conditions have combined these exportations and attributed them all to the custom of selling slaves. We are safe in concluding, therefore, that the number of slaves *sold* annually from Virginia has been grossly exaggerated; that the custom was revolting to the moral sense of her people and maintained against an outraged rather than a sympathetic public sentiment.

Most of the writers who have laid this damaging accusation at the door of the Virginia people have not attempted to fortify their position by authority or data of any kind. Others have and a careful analysis of the facts submitted

will assist in determining the measure of truth contained in the original charge.

The recent work, *A Political History of Slavery*, by William Henry Smith, will serve to illustrate the character of publications last referred to. The author after pointing out that the Cotton and Rice Producing States looked to the older commonwealth for supplies of laborers, proceeds:

"Mr. Mercer, one of the ablest of the members of that remarkable Convention (the Virginia Convention of 1829-30) said that the tables of the natural growth of the slave population demonstrated . . . that an annual revenue of not less than a million and a half of dollars had been derived from the exportation of a part of that increase. Seven years later the *Virginia Times* published an estimate of the money arising from the sale of slaves exported during the year 1836 making the aggregate $24,000,000.00, which showed the enormous profitableness of slave breeding."[1]

In support of this conclusion the author appends to his text three notes, as follows:

First: "The *Times* gave the whole number exported at 120,000 of whom 80,000 were taken out of the state by their owners who removed to new states and 40,000 were sold to dealers. The average price per head was $600." (*Niles Register*, Vol. LI, p. 83.)

Second: "In the Legislature of Virginia in 1832 Thomas Jefferson Randolph declared that Virginia had been converted into 'one grand menagerie where men are reared for the market like oxen for the shambles.' This was confirmed by Mr. Gholson, another member." (See Reports in the *Richmond Whig*, 1832.)

Third: "In Virginia and other grain-growing states the

[1] *A Political History of Slavery*, William Henry Smith, 1903, Vol. I, p. 3.

blacks do not support themselves, and the only profit their masters derive from them is, repulsive as the idea may justly seem, in breeding them, like other live stock, for the more Southern states." (American Colonization Society, 1833.)

An examination of the speech made by Mr. Mercer on the occasion referred to, will show that he was answering the slaveholders' charge that they paid upon their slaves more than their just proportion of taxes, when compared with the amount paid by the land-owners of the state; he pointed out that for the four years following 1820 the land tax averaged $181,000.00 per annum and the slave tax $159,000.00, but for the current year (1829) the land tax amounted to $175,000.00 and the slave tax $97,000.00. "These facts," said Mr. Mercer, "bear me out in the position that in the current year the capital in slaves is taxed less than that in land." The census showed an increase in the number of slaves still in the hands of their Virginia masters, while the "tables of the natural growth of this population" also demonstrated that large numbers must have been exported beyond the state. The portion of increase in the slave population, thus exported, Mr. Mercer estimated at a value of one and a half million dollars per annum. It will be observed that he makes no attempt to distribute this exportation between the various classes heretofore referred to. Indeed, the averment that "the tables of the natural growth of the slave population" demonstrated that an annual revenue of any specific sum had been derived from their exportation is, of course, inaccurate. The tables referred to simply indicate the normal rate of increase and the consequent number of slaves which must have been exported. Whether the excess had been emancipated, or carried, or sent, or sold by their masters did not, of course,

appear. Mr. Mercer was not discussing the slave trade—he was pointing out the increase in the number of slaves which should normally accrue to their masters and the consequent reasonableness of the tax imposed upon them as compared with that assessed against the lands.

It is believed that this explanation of the subject of Mr. Mercer's speech will qualify the conclusion which Mr. Smith has drawn from the statement cited in his text.

The author next refers to an "estimate of the money arising from the sale of slaves during the year 1836—making the aggregate $24,000,000.00." This estimate is cited as that of the *Virginia Times* and an explanation of how the figures are arrived at is set out by the author in the first of the three notes above quoted.

By reference to Volume LI of *Niles' Register*, page 83, in which the extract from the *Virginia Times* appears, it will be seen that the latter paper does not attempt any discussion of the subject, any marshalling of statistics or any conclusions of its own drawn therefrom. It simply recites in an item of ten lines—that—"We have heard intelligent men estimate the number of slaves exported from Virginia within the last twelve months at 120,000." The item further recites that of this number "not more than one-third have been sold, the others having been carried by their owners, who have removed, which would leave in the state the sum of $24,000,000.00 arising from the sale of slaves."

"We have heard intelligent men estimate" is a somewhat different statement from that of the author's text in which the *Virginia Times* is made to fix the exportation for the year 1836 at 120,000, 40,000 of whom were sold to dealers. How little value, however, can be attached to "the estimate" will be appreciated when we recall that an

exportation of 120,000 slaves per annum would in four years have depopulated the state of every single slave. The census showed that there were 469,758 slaves in Virginia in 1830 and 490,865 in 1860. By no possible process of computation can the Virginians of the period from 1830 to 1840 be charged with "the enormous profitableness of slave-breeding," arising from annual sales of 40,000 slaves, and a quarter of a century later their descendants be convicted of the crime of fighting to perpetuate the traffic. There would have been no slaves from which the commerce could have derived a supply.

In his second note, Mr. Smith makes a quotation from the speech of Mr. Randolph in the Virginia Legislature of 1832 wherein the latter is made to declare "that Virginia had been converted into one grand menagerie where men are reared for the market like oxen for the shambles."

By reference to the whole sentence and its exact quotation it will appear that Mr. Randolph's statement was not intended to warrant the conclusion here sought to be conveyed. Mr. Randolph said:

"How can an honourable mind, a patriot and a lover of his country, bear to see this ancient Dominion, rendered illustrious by the noble devotion and patriotism of her sons in the cause of liberty, converted into one grand menagerie where men are to be reared for market like oxen for the shambles?"[1]

In the third note Mr. Smith cites an extract from the report of the "American Colonization Society, 1833."

A careful examination of the report of the American Colonization Society, submitted at its meeting 1833, fails

[1] *Slavery Debate*, Virginia Legislature, 1833, Speech of T. J. Randolph, p. 13.

to show any such statement—or any phrases or sentiments from which such an accusation could be inferred. The report in its whole tenor and contents is just to the contrary. Thus at page 16, referring to the condition of public sentiment in Virginia, it says:

"That mighty evil (slavery) beneath which the minds of men had bowed in despair, has been looked at as no longer incurable. A remedy has been proposed; the sentiments of humanity, the secret wishes of the heart on this momentous topic have found a voice and the wide air has rung with it."

Again, at page 17 it says: "Nearly half the colonists in Liberia have emigrated from Virginia; and many citizens of that state have sought aid from the Society for removing thither their liberated slaves during the last year."[1]

A like inspection of the reports of the Society for the years from 1827 to 1837 inclusive shows no such statement as that cited by Mr. Smith in his footnote. The leading officers of the Society were Virginians and its work had their cordial sympathy and co-operation. Mr. Smith has evidently accepted the statement of some other writer without examining for himself the original sources of information.[2]

[1] *Report of American Colonization Society* presented January 20, 1833, pp. 16 and 17.

[2] Professor Hart, of Harvard University, in his recent work, *Slavery and Abolition*, says:

"The fact that some thousands of negroes every year left the Border States for the South seemed to show that there was profit in keeping them alive; but recent investigation seems to establish that the greater number of these negroes were taken in a body by the men who owned them to settle in other states." (*Slavery and Abolition*, Hart, p. 124).

XXII

Small Proportion of Slaveholders Among Virginia Soldiers

The accusation that the people of Virginia of the Civil War period stood ready to fight "no matter whom and little matter how, for the protection of slavery and slave property," because of the profits derived from the inter-state slave trade, would seem to acquit those Virginians who derived no benefit from the traffic. We have seen, from the facts heretofore presented, what a small proportion of the people of Virginia were owners of slaves; and all available data indicate a still less proportion of slaveholders among the soldiers which the state contributed to the armies of the Southern Confederacy.

Professor A. B. Hart, of Harvard University, says: "Out of 12,500,000 persons, in the slave-holding communities in 1860, only about 384,000 persons—or one in thirty-three—was a slaveholder."[1]

The same author estimates that each slaveholder was the head of a family and that, therefore, 350,000 white families in the South, out of a total of 1,800,000, owned slaves; though 77,000 of these families owned only one slave each, and 200,000 of the remaining owned less than ten slaves each.[2]

The author is, of course, in error in assuming that every slaveholder was the head of a family. Doubtless in a

[1] *Slavery and Abolition*, Hart, p. 67.
[2] *Idem*, p. 68.

large majority of cases such was the fact. The Federal census, however, from which his first figures are taken, is correct in showing the exact number owning slaves. This number included men, women and children, and, not infrequently, a number of persons were part owners of the same slave or slaves, and yet each was enumerated as a slaveholder.

Admiral Chadwick's analysis of the census returns for Virginia shows that of the 52,128 slaveholders in the state, one-third held but one or two slaves, half one to four, and that but one hundred and fourteen persons held as many as one hundred each. He also points out the fact that the great majority of the soldiers in the ranks of the Confederate Armies, from Virginia and the South, possessed no such interest.

From a mass of data bearing more directly upon the number of slaveholders in the ranks of the Virginia soldiers, we select two citations:

Major Robert Stiles, late a prominent member of the Richmond Bar, referring to the personnel of the Richmond Howitzers (of which he was a member) and the motives which impelled them to fight, writes:

"Why did they volunteer? For what did they give their lives? . . . Surely, it was not for slavery they fought. The great majority of them had never owned a slave, and had little or no interest in the institution. My own father, for example, had freed his slaves long years before."[1]

This command was composed of representatives of the leading families in the city of Richmond, at that time the largest slaveholding city in the state. Here one would expect to find the slaveholding soldiers.

[1] *Four Years Under Marse Robert*, Stiles, p. 49.

Dr. Hunter McGuire, the medical director of the Stonewall Brigade, has left on record his estimate of the number of slaveholders in the ranks of that command—which, being drawn from all portions of the state, was more representative of the citizenship of Virginia, East and West:

"The Stonewall Brigade of the Army of Northern Virginia," writes Dr. McGuire, "was a fighting organization. I knew every man in it, for I belonged to it for a long time; and I know that I am in proper bounds when I assert, that there was not one soldier in thirty who owned or ever expected to own a slave."[1]

But it is also urged that, while men without slaves filled the ranks of the Virginia regiments, yet slaveholders led these soldiers into battle as they had led the people into revolution.

It is obviously impracticable to present the facts with reference to each one of the prominent leaders which Virginia gave to the armies of the Confederacy. By universal accord her five most notable generals were, Robert E. Lee, "Stonewall" Jackson, Joseph E. Johnston, A. P. Hill and J. E. B. Stuart—to whom may be added Fitzhugh Lee and Matthew F. Maury, as only less prominent but no less representative of her leading soldiers.

In dealing with these men, and their relation to slavery, we pass from the domain of conjecture into the realm of fact.

Robert E. Lee never owned a slave, except the few he inherited from his mother—all of whom he emancipated many years prior to the war.[2]

[1] *The Confederate Cause and Conduct, in the War Between the States*, McGuire and Christian, p. 22.

[2] See letter from his eldest son, General G. W. Custis Lee, to the Author, dated February 4, 1907, on file in Virginia Historical Society.

"Stonewall" Jackson never owned but two slaves, a man and a woman, both of whom he purchased at their own solicitation. He immediately accorded to them the privilege of earning their freedom, by devoting the wages received for their services to reimburse him for the purchase money. This offer was accepted by the man, who, in due time, earned his freedom. The woman declined the offer, preferring to remain a servant in General Jackson's family.[1]

Joseph E. Johnston never owned a slave and, like General Lee, regarded the institution with great disfavor.[2]

A. P. Hill never owned a slave, and regarded slavery as an evil, much to be deplored.[3]

J. E. B. Stuart inherited one slave from his father's estate; and, while stationed as a lieutenant in the United States Army at Fort Leavenworth, Kansas, purchased another. Both of these he disposed of some years prior to the war—the first, because of her cruelty to one of his children, and the second, to a purchaser who undertook to return the slave to his former home in Kentucky.[4]

Fitzhugh Lee never owned a slave.[5]

Matthew F. Maury never owned but one slave, a woman who remained a servant and member of his family until

[1]*The Confederate Cause and Conduct in the War Between the States*, McGuire and Christian, p. 22.

[2]See letter from his nephew, Dr. George Ben Johnston, of Richmond, Va., dated April 17, 1907, to the Author, on file in Virginia Historical Society.

[3]See letter from his son-in-law, James Macgill, dated April 20, 1908, to the Author, on file in Virginia Historical Society.

[4]See letter from his widow, Mrs. Flora Stuart, to the Author, dated March 25, 1908, on file in Virginia Historical Society.

[5]See letter from his brother, Daniel M. Lee, to the Author, dated May 28, 1908, on file in Virginia Historical Society.

her death, some years after the war.[1] As we have seen, he characterized the institution as "a curse."[2]

[1]See letter from his son, Colonel Richard L. Maury, to the Author, dated June 1, 1907, on file in Virginia Historical Society.

[2]See *Life of Matthew F. Maury*, Corbin, p. 131.

XXIII

Some of the Almost Insuperable Difficulties which Embarrassed Every Plan of Emancipation

The problems and difficulties which beset emancipation in Virginia may be summarized as follows:

First: The legal rights of the slaveholders and their creditors;

Second: The moral and physical well-being of the slaves; and

Third: The political and social interests of the state.

To these inherent difficulties should be superadded the lack of free discussion and the growth of bitterness and reactionary sentiments occasioned largely by partisan and ofttimes criminal instigations coming from beyond the state.

It will not be questioned that of all men, except the slaves themselves, the slaveholders were most deeply interested in the subject of emancipation. They possessed a direct pecuniary interest in the slaves and were usually the owners of large tracts of land dependent, it was believed, for cultivation, upon their labor. Thus it was thought that emancipation without compensation involved not only the loss of their slaves, but a great depreciation in the value of their lands. In addition to these direct losses would come the burden of caring for the poor, the afflicted, and the criminal classes of the ex-slaves, not to mention the cost of educating the rising generation—the

major part of all of which would fall upon the communities where the ex-slaves lived, and thus upon the remnant of property left to their former owners.

To the foregoing embarrassments must be added the rights of creditors. A great majority of the slaves in Virginia descended to their owners by the laws of inheritance, just as the plantations of which they were virtually part. With the slaves and the lands, came the debts of the ancestors, or, in the progress of time, new debts were incurred. In all such instances the debts of creditors must be provided for before any change could be made in the status of slaves bound for their payment. All these considerations convinced fair-minded men that some substantial measure of compensation must be made the slaveholders before they could be expected to absolve their slaves from service. But from what source was this great fund to be gathered? Despite the widespread sentiment favorable to emancipation, neither state nor nation gave sign of willingness to assume the burden.

But beyond the financial difficulties mentioned was the attitude of that class of slaveholders who cherished no desire for emancipation and resented every such suggestion as a wanton invasion of their safety and their rights. They were satisfied with the status quo; they neither desired change nor discussion of its supposed advantages. They met every proposal with a resolute insistence upon their legal rights under the constitutions, State and Federal, and manifested an intolerance of thought and speech with respect to the institution which filled the friends of moderation and progress with mournful appreciation of the hindrances which beset their path.

How far a conscientious regard for the moral and physical well-being of the slaves entered into the considerations

of the time as a deterrent cause against their emancipation, cannot be determined. Undoubtedly such sentiments existed among many earnest men favorable thereto.

From the mass of facts and medley of voices certain conclusions can be drawn.

Thus it may be affirmed that the slaves in Virginia were better off as a result of their training and experience in servitude than they would have been had their ancestors never set foot upon her soil. It is equally true that theirs was but a partial development and that freedom was necessary to the complete man. As the time comes in the life of a child when the privileges and dangers of self-expression and self-control must supplant the restraints of the home and the school-room, so in the life of these children of larger growth, freedom with its awesome dangers and soul-inspiring possibilities was essential to any well-rounded and continuous advance.

Again, freedom was a help in the development of those who had made a certain measure of progress in their moral, intellectual and physical being; yet for those who were not thus prepared, its untimely coming might prove the dawn of a darker day, unless accompanied by wise nurture and sympathetic guidance of the feet, trained only for the paths of dependence.

Mr. Jefferson doubtless expressed the sentiments of a large class of thinkers when he said: "As far as I can judge from the experiments which have been made, to give liberty to, or rather to abandon, persons whose habits have been formed in slavery, is like abandoning children."[1]

Experience with respect to emancipations made prior to the Civil War strongly tended to confirm these views.

[1] *Writings of Jefferson,* Ford, Vol. X, p. 66.

The conditions, moral, intellectual and physical, of the free negroes of Virginia contrasted, as a rule, most unfavorably with that of their brethren still in bonds.

The results of emancipation where the slaves had been carried to free states, were, on the whole, not much more encouraging.

Professor MacMaster, of the University of Pennsylvania, referring to the condition of the free negroes in those states at the time of the Missouri Compromise, writes: "In spite of their freedom they were a despised, proscribed, and poverty-stricken class."[1]

Mr. Clay, speaking December 17, 1829, said:

"Of all the descriptions of our population and of either portion of the African race, the free people of color are by far, as a class, the most corrupt, depraved and abandoned. There are many honourable exceptions among them, and I take pleasure in bearing testimony to some I know. It is not so much their fault as the consequence of their anomalous condition."[2]

Dr. Leonard Bacon, in a sermon before his congregation in New Haven, Conn., July 4, 1830, said:

"Who are the free people of color in the United States, and what are they? In this city there are from eight hundred to one thousand. Of these, a few families are honest, sober, industrious, pious and in many points of view, respectable But what are the remainder? Every one knows their condition to be a condition of deep and dreadful degradation, but few have formed any conception of the reality. The fact is, that as a class, they are branded with ignominy. . . . There are in this country three hundred thousand freedmen, who are free men only in name, degraded to the dust and forming

[1] *History of the United States*, MacMaster, Vol. III, p. 558.

[2] *The African Repository and Colonial Journal*, Vol. VI, No. 1, p. 12.

hardly anything else than a mass of pauperism and crime."[1]

The biographers of William Lloyd Garrison have recorded that at the North, prior to the Civil War:

"The free colored people were looked upon as an inferior caste to whom their liberty was a curse, and their lot worse than that of the slaves, with this difference, that while the latter were to be kept in bondage 'for their own good' it would have been very wicked to enslave the former for their good."[2]

We need not pause to consider the causes which reduced the free negroes of the Northern States to the conditions here described. That the free negroes of Virginia should have made little or no progress is easily accounted for by the abnormal conditions amid which they lived. There was confessedly scant chance for free negroes in communities densely populated with negro slaves. Many of the friends of emancipation, however, observing this same phenomenon in both slave and free states, came to the conclusion that freedom under existing conditions was hurtful rather than helpful. Others concluded that it was not freedom, but the lack of freedom with all its normal privileges, which had fettered the feet of these newly manumitted slaves. Let the state pay the owners and emancipate the whole body of slaves; let education and training for freedom go hand in hand with opportunity for achieving, and then emancipation would be justified of her children. For this immense outlay Virginia was confessedly not ready, and so the earnest believer in emancipation looked to colonization as the only door through which the slave might enter upon liberty with a man's chance for progress and self-respecting independence.

[1] *Liberia Bulletin*, No. 15, p. 7.
[2] *William Lloyd Garrison*, by his children, Vol. I, pp. 253-254.

XXIV

Some of the Almost Insuperable Difficulties which Embarrassed Every Plan of Emancipation (Continued)

Beyond all the difficulties mentioned, there loomed the more portentous problem of the effect upon the state's political and social well-being of the introduction into her free population of a great company of negroes, whether as citizens or suffragists, or mere tenants at the will of their white brethren. What should be the outcome of such an unparalleled experiment as universal emancipation under the conditions existing in Virginia? The results of emancipation in the free states furnished no assurance because there the number of negroes was so small as to constitute a negligible quantity. What were the voices of history which came from over-sea? In Spain, after centuries of conflict, the whites had finally driven the remnant of the Moors literally into the Mediterranean. In San Domingo, after the carnival of blood had spent its force, the blacks had expelled all the surviving whites from the island.

"It is futile," said Mr. Jefferson, "to hope to retain and incorporate the blacks into the state. Deep-rooted prejudices of the whites, ten thousand recollections of the blacks, of injuries sustained, new provocations, the real distinction Nature has made, and many other circumstances will divide us into parties, and produce convulsions which will probably never end but in the extermination of one or the other race."[1]

[1] *History of Slavery in Virginia*, Ballagh, p. 132.

But casting aside these tragic warnings, the question of what would be the result of the great experiment, stood unanswered. What place in the life of the commonwealth were these people to fili? Should they be trained for the obligations of freedom and then denied its privileges? Should they be accorded the right of suffrage? If not, how would its denial comport with the genius of our institutions and the aspirations of our people? If entrusted with the suffrage how was the well-being of communities to be assured where, having the majority, they would become political masters? Had negroes ever, in the world's history, ruled in peace and order a community largely populated by whites? Was the race to be kept in a state of quasi-dependence—beholden for their social and economic privileges to the very people with whom they must come in competition? What provision for the pauperism, the vagrancy, the lunacy and the crime which would certainly follow the removal of the restraints of slavery? What measure and character of education for the young and by whom provided? These and many more like them were the questions, which, from the close of the Revolution, had confronted the people of Virginia. What should be the relations, political and social, of the two races after emancipation? Speaking in September, 1850, in Congress, on the Wilmot Proviso, Gov. James McDowell, of Virginia, said:

"Physical amalgamation? . . . ruinous, if it were possible. . . . Political and civil amalgamation just as impossible. . . . Emancipation with rights of residence and property, but exclusion from social, civil and political equality, would conduce, sooner or later, to a war of colors."[1]

[1] *Congressional Globe*, 31st Congress. 1st Session. App. 1678.

Speaking ten years later in the Peace Conference, at Washington, Ex-Senator William C. Rives, of Virginia, said: "It has occupied the attention of the wisest men of our time. . . . In fact, it is not a question of slavery at all. It is a question of race."[1]

These two great Virginians were strong anti-slavery men, yet they stood appalled before the problems of immediate emancipation without deportation or colonization. That their views were not the product of their environment, will appear from expressions of eminent men not so situated.

M. de Tocqueville, whose work, *Democracy in America*, is the subject of the widest appreciation, has given to the world in his notable book, published in 1838, his conclusions with respect to this subject. "The most formidable of all the ills," he writes, "which threaten the future existence of the Union, arises from the presence of a black population upon its territory."[2]

Again he writes: "I do not imagine that the white and black races will ever live in any country upon an equal footing. But I believe the difficulty to be still greater in the United States than elsewhere."[3]

In conclusion, he says:

"When I contemplate the condition of the South I can only discover the alternative which may be adopted by the white inhabitants of those states, namely, either to emancipate the negroes and to intermingle with them; or, remaining isolated from them, to keep them in a state of slavery as long as possible. All intermediate measures seem to me likely to terminate, and that shortly, in the most horrible of

[1] *Proceedings of Peace Convention*, Crittenden, p. 139.
[2] *Democracy in America*, de Tocqueville, Vol. II, p. 214.
[3] *Idem*, p. 238.

civil wars, and perhaps in the extirpation of one or the other of the two races."[1]

Stephen A. Douglas, speaking at Ottawa, Ill., August 21st, 1858, said:

"For one I am opposed to negro citizenship in any and every form. I believe this Government was made by white men, for the benefit of white men and their posterity forever; and I am in favor of confining citizenship to white men,—men of European birth and descent, instead of conferring it upon negroes, Indians and other inferior races."[2]

General William T. Sherman, writing in July, 1860, said:

"All the Congresses on earth can't make the negro anything else than what he is; he must be subject to the white man, or he must amalgamate or be destroyed. Two such races cannot live in harmony, save as master and slave. Mexico shows the result of general equality and amalgamation, and the Indians give a fair illustration of the fate of negroes if they are released from the control of the whites."[3]

William H. Seward, speaking at Detroit, Michigan, September 4th, 1860, said:

"The great fact is now fully realized that the African race here is a foreign and feeble element, like the Indians, incapable of assimilation, . . . and that it is a pitiful exotic, unwisely and unnecessarily transplanted into our fields, and which it is unprofitable to cultivate at the cost of the desolation of the native vineyard."[4]

[1] *Democracy in America*, de Tocqueville, Vol. II, p. 245.
[2] *The Negro Problem, Abraham Lincoln's Solution*, Pickett, p. 446.
[3] *General Sherman's Letters Home*, Howe, *Scribner's Magazine*, April, 1909, p. 400.
[4] *The Negro Problem, Abraham Lincoln's Solution*, Pickett, p. 449.

Let us turn to the more hopeful and yet halting conclusions of Abraham Lincoln. In his speech at Quincy, Illinois, October 15th, 1858, in the Lincoln-Douglas Debate, he said:

"I have no purpose to introduce political and social equality between the white and black races. There is a physical difference between the two which, in my judgment, would probably forever forbid their living together upon the footing of perfect equality, and inasmuch as it becomes a necessity that there must be a difference, I, as well as Judge Douglas, am in favor of the race to which I belong having the superior position."[1]

In the same debate at Charleston, Ill., September 18th, 1858, he had said:

"I will say then that I am not, nor ever have been, in favor of bringing about, in any way, the social and political equality of the white and black races; that I am not, nor ever have been, in favor of making voters or jurors of negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality."[2]

How unsatisfactory would be the status of the two races in a state where such conditions obtained, Mr. Lincoln must have appreciated, and so, as we have seen, he turned to the colonization of the negroes as the real solution of the problem.

[1] *Abraham Lincoln, Speeches, Letters and State Papers*, N. & H., Vol. I, p. 458.
[2] *Idem*, p. 457.

Throughout the North as well as in Virginia there were thoughtful men who knew that here was the difficulty. Slavery might be abolished, but the presence of two non-assimilable races, separated by centuries in their stages of development, endeavoring to live in peace under a Republican form of government—these conditions presented the problem which would tax to the utmost their resourcefulness and patience.

How strong was the sense of danger among the people of the free states, which would result from such conditions, may be read in the provisions of their constitutions and laws.

Probably in New England the laws were more favorable to free negroes than in any other part of the North; but, even there, conditions were far from normal, and certainly not such as to encourage the immigration of the free blacks from Maryland and Virginia—where they were most numerous.

In 1833, the Legislature of Connecticut, endeavoring to prevent the establishment of schools in that state for non-resident negroes, enacted a law prohibiting such schools, except with the consent "of a majority of the civil authority and also of the selectmen of the town in which such school, &c.,"[1] is to be located. The preamble of this act justifies its passage by declaring that the establishment of such schools "would tend to the great increase of the colored population of the state, and thereby to the injury of the people, &c." The negro populations of Vermont and New Hampshire had actually decreased in the half century between 1810 and 1860, while that of Massachusetts had increased less than three thousand.

[1] *William Lloyd Garrison*, by his children, Vol. I, p. 321.

The biographers of William Lloyd Garrison record the fact that there existed a—

"Spirit which everywhere at the North, either by statute or custom, denied to a dark skin, civil, social and educational equality,—which in Boston forbade any merchant or respectable mechanic to take a colored apprentice; kept the colored people out of most public conveyances; and permitted any common carrier by land or sea, on the objections of a white passenger, to violate his contract with 'a nigger' however cultivated or refined."[1]

The states of New York, New Jersey and Pennsylvania had by statutes deprived free negroes of many of the privileges enjoyed in the period immediately succeeding the Revolution. Thus, New Jersey in 1807, and Pennsylvania in 1838, deprived them of the right of suffrage, and New York in 1821 required of them as a prerequisite to voting a much higher property qualification than was required of the white citizens.[2] Professor A. B. Hart declares: "These exclusions branded the negroes as of a different caste, even in the North, and it was backed up by other unfriendly legislation."[3]

But it was chiefly in those free states on the same lines of latitude as Virginia and Maryland, and in which the free negroes would therefore be most liable to settle, that the laws obstructing or forbidding their immigration were most pronounced.

Early in the century Ohio enacted laws inhibiting negroes from settling in that state, unless they produced certificates of their freedom, from a Court of Record, and executed bonds, with approved security, not to become

[1] *William Lloyd Garrison*, by his children, Vol. I, p. 253.
[2] *Slavery and Abolition*, Hart, p. 83.
[3] *Idem*, p. 83.

charges upon the counties in which they settled. They were not permitted to give evidence in court in any cause where a white man was party to the controversy or prosecution, nor could they send their children to the public schools. About the middle of the century many of these laws were repealed, but, by the constitution adopted as late as 1851, they were denied the right to vote, and were excluded from the militia.[1]

Indiana at first permitted free negroes to settle in the state, provided they gave bonds, with approved security, not to become charges upon the counties where they lived; but, in 1851, a new constitution was adopted which specifically provided (Article XIII, Section 1) that "no negro or mulatto shall come into or settle in the state after the adoption of this constitution."[2]

This clause in the constitution was adopted by over ninety thousand majority of the popular vote.[3]

In Illinois, following a series of laws of like import, an act was passed in 1853, "to prevent the immigration of free negroes into this state," the third section of which declared it a misdemeanor for a negro or mulatto, bond or free, to come into the state with the intention of residing.[4] Section four of this act provided that any negro coming into the state in violation of the act should be fined and sold for a time to pay the fine and cost.

In 1862, in the Constitutional Convention then in session, the provisions of this statute were engrafted upon the organic law of the state. Article XVIII provided:

[1] *History of Negro Race in America*, Williams, Vol. II, pp. 111-119.
[2] *History of Negro Race in America*, Williams, Vol. II, pp. 119-122.
[3] *Rise and Fall of the Slave Power in America*, Wilson, Vol. II, p. 185.
[4] *History of Negro Race in America*, Williams, Vol. II, p. 123.

Section 1. "No negro or mulatto shall immigrate or settle in this state after the adoption of the constitution."

This article of the constitution was submitted to the popular vote separately from the body of the constitution, and, though the latter was rejected by over 16,000 majority, the former was made a part of the organic law of Illinois by a majority of 100,590. This vote was taken in August, 1862, and thus, barely a month before Mr. Lincoln's first Proclamation of Emancipation, the people of his own state, by a vote approaching unanimity, placed in their constitution this clause preventing free negroes from coming into their commonwealth.[1]

By the constitution of Oregon, adopted on November 9th, 1857, it was provided that:

"No free negro or mulatto, not residing in this state at the time of the adoption of this constitution, shall come, reside or be within this state . . . and the legislative assembly shall provide by penal laws for the removal by public officers of all such negroes and mulattoes, and for their effectual exclusion from the state, and for the punishment of persons who shall bring them into the state or employ or harbor them."[2]

This provision of the constitution was adopted by a popular vote of 8040 to 1081 against it.

If the people of the North thus regarded their few negroes as a dangerous and perplexing element, how much more should the people of Virginia hesitate in face of the conditions and problems which confronted them? If Indiana and Illinois, with populations of over three million

[1] *Illinois Convention Journal*, 1862, p. 1098.

[2] *The Organic and Other General Laws of Oregon*, 1843-72, pp. 97-98.

whites and less than twenty thousand blacks, felt constrained to deny free negroes the right to enter their states, how much more should their sister, Virginia, with only one million whites and nearly a half million black slaves, fear to add to her already large free negro population?

This sense of danger to their political and social well-being arising from the threatened presence of negroes in large numbers was felt by the whites of the free states even after two years of civil war had wrought its changes in sentiment, and Mr. Lincoln's first Proclamation of Emancipation had been given to the world. In his message to Congress in December, 1862, the President, in urging his plan for national aid to facilitate emancipation and deportation, endeavored to meet and allay these fears. He said:

"But it is dreaded that the freed people will swarm forth and cover the whole land. Are they not already in the land? Will liberation make them more numerous? Equally distributed among the whites of the whole country, and there would be but one colored to seven whites. Could the one in any way disturb the seven? . . .

"But why should emancipation South send the free people North? People of any color seldom run unless there be something to run from. Heretofore colored people to some extent have fled North from bondage and now perhaps from both bondage and destitution. But if gradual emancipation and deportation be adopted they will have neither to flee from. . . . And in any event cannot the North decide for itself whether to receive them?"[1]

These appealing words of Mr. Lincoln show that in the very hour when the inspiring vision of emancipation was being held up before the people of the free states, they

[1] *Messages and Papers of the Presidents*, Vol. VI, pp. 140-141.

were balancing the satisfaction of its achievement with the dangers to their peace which might follow any substantial increase in their negro population.

"Cannot the North decide for itself whether to receive them?" were the reassuring words of Mr. Lincoln. Virginia had no such alternative.

XXV

Some of the Almost Insuperable Difficulties which Embarrassed Every Plan of Emancipation (Concluded)

"Men are never so likely to settle a question rightly as when they discuss it freely." In these words Lord Macaulay fixes free discussion as a prime requisite to the right solution of problems, however difficult. It was one of the baneful features of slavery and the racial problems attending it that in the period just antedating the Civil War tolerant discussion was almost banished from the arena. As a rule, men of moderate views and sane counsels were driven to the rear, while the Fanatics of the North and the Fire-eaters of the South held the centre of the stage. Virginia was not wholly exempt from these conditions which in her case had their origin and growth in causes arising both within and beyond her borders.

As we have seen, slavery in Virginia existed in certain well-defined localities and was confined in ownership to a small minority of her people. Thus the divergence of interests between the two classes of her white population assumed a sectional character which was, in turn, intensified by reason of an archaic arrangement with respect to representation in her General Assembly. As heretofore explained, the representatives in her Legislature were apportioned among the various cities and counties of the commonwealth not on the basis of their respective white populations, but upon what was known as the "mixed basis"—

that is—the quantum of property was taken into account along with the number of white inhabitants. Slaves were assessed and taxed as property and so the white people in the slave-owning sections possessed a representative power in the State Legislature as against their brethren in the non-slave-owning sections far beyond that to which their numbers entitled them. Against this provision of Virginia's constitution the whites of the growing western section, with some assistance from the east, waged perpetual war. In this way slavery in Virginia became involved in a controversy the heat and conflicts of which served to intensify the feeling with respect to its continuance or abolition. In like manner this controversy augmented the power of the friends of slavery by rallying to their ranks the conservative opponents of simple manhood suffrage, the property interests and all those who, like John Randolph of Roanoke, looked, as of old, to the East for light and leading. It was not until the Convention of 1850 that this provision of Virginia's constitution was amended, but as the change was not to be fully effective until 1865 the results of this augmentation of power to the people of the white sections were never made manifest in her laws.

"Slavery is a cancer in your face," declared that master of epigram, John Randolph of Roanoke. The world saw it. The victim of the disease knew it was there. Between the pain of its presence and the dread lest the surgeon's knife might not work a cure, the patient halted and hesitated and, by manifold methods, sought to mitigate its pain or banish the thought of its existence. Thus silence for to-day and hope for to-morrow was his fatuous policy.

Slavery was at war with the ideals upon which Virginians had founded their commonwealth. It was a burden upon her advance along every line of normal achievement. It was

repugnant to the sensibilities of thousands of her most devoted sons and yet, despairing of any present remedy, they sternly deprecated discussion as a disloyal parading before the world of this skeleton in her closet.

Slavery made its home among the great plantations spreading their broad acres far from the centres of population, their owners living distant one from the other. It required, therefore, some more persuasive force than bolts and bars, to protect these isolated whites from the fury of the blacks if ever roused to a maddened discontent with their lot, and a consciousness of their power. Thus the daily precepts of slavery,—obedience, submission and reverence for the white man,—must not be dissipated by public discussions in which the rightfulness of slavery was questioned and the glories of freedom held up before the eyes of the wondering blacks. San Domingo sent its warnings, the horrors of the Nat Turner Insurrection were still fresh in the minds of men, and so the imperilled slaveholders denounced as the enemies of their race white men who indulged in academic discussions as to the advantages of emancipation.

The foregoing were some of the causes arising within the state which served to discourage public discussions with respect to the abolition of slavery, and to invest with unnatural heat and bitterness the sentiments of those who nevertheless essayed the task.

From beyond came movements and voices even more destructive of the spirit of free discussion and which lent to the reactionary elements in the state an advantage which they could never have acquired except for this outside interference.

As far back as 1835 John Quincy Adams noted in his diary:

"Anti-slavery associations are formed in this country and in England and they are already co-operating in concerted agency together. They have raised funds to support and circulate inflammatory newspapers and pamphlets gratuitously, and they send multitudes of them into the Southern country into the midst of swarms of slaves."[1]

In the same year there assembled in Faneuil Hall what the biographers of William Lloyd Garrison called "the social, political, religious and intellectual elite of Boston," who, under the leadership of Theodore Lyman, Jr., Abbott Lawrence, Peleg Sprague, and Harrison Gray Otis adopted resolutions denouncing the Northern Abolitionists for seeking by their inflammatory publications "to scatter among our Southern brethren fire-brands, arrows, and death," and pledging the meeting to support all constitutional laws for the suppression of all publications, "the natural and direct tendency of which is to incite the slaves of the South to revolt."[2]

Margaret Mercer, of Maryland, whose devotion to the cause of negro emancipation was well attested by her act in manumitting her own slaves, as well as in her life of service devoted largely to their interests, writing to Gerrit Smith, laments the incendiary appeals of William Lloyd Garrison and the direful forebodings which they aroused among the Southern people especially in the imaginations of the women. She says:

"For while the well-disposed and faithful servants of kind masters will suffer and die with the whites in a general insurrection, the lawless and vicious will have in their power to massacre men, women and children in their sleep.

[1] *Adams's Diary*, August 11, 1835. Quoted in *Life of William Lloyd Garrison*, by his children, Vol. I, p. 487.

[2] *William Lloyd Garrison*, by his children, Vol. I, p. 495.

This is my apology for feeling and expressing the deepest indignation against the man who dares to throw the firebrand into the powder magazine while all are asleep and stands himself at a distance to see the mangled victims of his barbarous fury. I pray you, dear sir, in the strength of your benevolence to conceive the state of families living remote from assistance in the country. Suppose, as I have often witnessed, an alarm of insurrection; think of the mother of a family startled from her sleep by some unusual noise and seized with a horrid apprehension of the scene which may await her in a few moments." [1]

Rev. Nehemiah Adams, of Boston, who visited Virginia and the South in 1854, published the results of his observations, from which we take the following extracts.

After describing the activities of the Northern Anti-slavery Societies in scattering among the Southern negroes publications and pictures tending to stimulate slave insurrections and to inculcate ideas of racial equality, Dr. Adams writes:

"When these amalgamation pictures were discovered, husbands and fathers at the South felt that whatever might be true of slavery as a system, self-defense, the protection of their households against servile insurrection, was their first duty. Who can wonder that they broke into the post-office and seized and burned abolition papers; indeed no excesses are surprising in view of the perils to which they saw themselves exposed."[2]

Again he writes: "They seem to be living in a state of self-defense, of self-preservation against the North."[3]

"As Northern zeal has promulgated bolder sentiments

[1] *Memoir of Margaret Mercer*, Morris, p. 126.
[2] *A South Side View of Slavery*, Adams, p. 108.
[3] *Idem*, p. 108.

with regard to the right and duty of slaves to steal, burn, and kill, in effecting their liberty, the South has intrenched itself by more vigorous laws and customs. . . . Nothing forces itself more constantly upon the thoughts of a Northerner at the South who looks into the history and present state of slavery, than the vast injury which has resulted from Northern interference."[1]

In his message to Congress, December, 1860, President Buchanan writes:

"The incessant and violent agitation of the slavery question through the North for the last quarter of a century has at last produced its malign influence on the slaves and inspired them with vague notions of freedom. Hence a sense of security no longer exists around the family altar. The feeling of peace at home has given place to apprehension of servile insurrection. Many a matron throughout the South retires at night in dread of what may befall herself and children before the morning."

Mr. George Lunt, of Boston, in his work, *The Origin of the Late War*, writes:

"It thus appears that an active and alarming system of aggression against the South was in operation at the North thirty years ago, threatening to excite servile insurrection, to imperil union, to stir up civil war. This fact rests upon testimony which cannot but be considered impartial and conclusive."[2]

Again the same author, referring to the attempt of John Brown and his associates, writes:

"Nothing was here wanting to insure a more widespread scene of horror and desolation than the world perhaps had ever before witnessed, except a totally different relation

[1] *Idem*, p. 110.
[2] *The Origin of the Late War*, Lunt, p. 104.

between the masters and their servants in the South than that falsely imagined by the conspirators and by those in sympathy with them either before or after the fact."[1]

Professor John W. Burgess, of Columbia University, in his work, *The Civil War and the Constitution*, has portrayed the disastrous effects upon the sentiment in favor of emancipation in various parts of the South, occasioned by the virulence of these agitators and above all by the attempt of John Brown and his followers to precipitate servile insurrection.

"If the whole thing," writes Professor Burgess, "both as to time, methods, and results, had been planned by his Satanic Majesty himself, it could not have succeeded better in setting the sound conservative movements of the age at naught, and in creating a state of feeling which offered the most capital opportunities for the triumph of political insincerity, radicalism and rascality over their opposites. No man who is acquainted with the change of feeling which occurred in the South between the 16th of October 1859 and the 16th day of November of the same year can regard the Harper's Ferry villainy as any other than one of the chiefest crimes of our history. It established and reestablished the control of the great radical slaveholders over the non-slaveholders,—the little slaveholders, and the more liberal of the large slaveholders, which had already begun to *be* loosened."[2]

Professor Burgess then proceeds to show the still more disastrous effects upon conservative sentiment in Virginia and the South which resulted from the demonstrations at the North on the day of John Brown's execution.

"Brown and his band," says Professor Burgess, "had

[1] *Idem*, p. 329.
[2] *The Civil War and the Constitution*, Burgess, Vol. I, p. 35.

murdered five men and wounded some eight or ten more in their criminal movement at Harper's Ferry. . . . Add to this the consideration that Brown certainly intended the wholesale massacre of the whites by the blacks in case that should be found necessary to effect his purposes and it was certainly natural that the tolling of the church bells, the holding of prayer-meetings for the soul of John Brown, the draping of houses, the half-masting of flags, &c., in many parts of the North should appear to the people of the South to be evidences of a wickedness which knew no bounds and which was bent upon the destruction of the South by any means necessary to accomplish the result. . . . Especially did terror and bitterness take possession of the hearts of the women of the South, who saw in slave insurrection not only destruction and death, but that which to feminine virtue is a thousand times worse than the most terrible death.

"From the Harper's Ferry outrage onward the conviction grew among all classes that the white men of the South must stand together and must harmonize all internal differences in the presence of the mortal peril with which as a race they believed themselves threatened. Sound development in thought and feeling was arrested, the follies and hatreds born of fear and resentment now assumed the places born of common sense and common kindliness."[1]

But, despite conflicts within and assaults from without, it must not be concluded that the people of Virginia had entirely abandoned the right of free discussion in regard to slavery, nor forfeited their well-earned reputation for conservatism and self-poise. There were still, as we have seen, many of her foremost men, who were frank to deplore the existence of the institution and who had never surrendered the faith of their fathers, that the day of abolition would surely dawn. Neither did the outrage at Harper's

[1] *The Civil War and the Constitution*, Burgess, Vol. I, pp. 42-44.

Ferry with all its sinister circumstances, nor the triumph of sectionalism in the National elections of 1860, drive the state from its position of sanity and conservatism. Virginia was one of three commonwealths in that momentous election to cast her electoral vote for the Union candidates, Bell and Everett, standing on the simple platform—the preservation of the Union, the supremacy of the constitution and the enforcement of the laws.

The foregoing recitals will serve to present the almost insuperable difficulties with which emancipation in Virginia was invested during the period just antedating the Civil War. That her people took counsel of their fears, rather than their hopes, may be admitted. But for this attitude who shall arraign them?

Abraham Lincoln, speaking at Peoria, Ill., October 16th, 1854, said:

"When Southern people tell us that they are no more responsible for the origin of slavery than we are, I acknowledge the fact. When it is said that the institution exists and that it is very difficult to get rid of it in any satisfactory way, I can understand and appreciate the saying. I surely will not blame them for not doing what I should not know how to do myself. If all earthly power were given me, I should not know what to do as to the existing institution. My first impulse would be to free all the slaves, and send them to Liberia—their native land. But a moment's reflection would convince me that whatever of high hope (as I think there is) there may be in this in the long run, its sudden execution is impossible. If they were all landed there in a day they would all perish in the next ten days; and there are not surplus shipping and surplus money enough in the world to carry them there in many times ten days. What then? Free them all and keep them among us as underlings? Is it quite certain that this betters their condition? I think I would

not hold one in slavery at any rate; yet the point is not clear enough to me to denounce people upon. What next? Free them and make them politically and socially our equals? My own feelings will not admit of this; and if mine would, we well know that those of the great mass of white people will not. Whether this feeling accords with justice and sound judgment is not the sole question, if indeed, it is any part of it. A universal feeling whether well or ill founded cannot be safely disregarded. We cannot then make them equals. It does seem to me that systems of gradual emancipation might be adopted; but for their tardiness in this I will not undertake to judge our brethren of the South."[1]

"If all earthly power were given me, I should not know what to do as to the existing institution!" Such was the frank avowal of Mr. Lincoln.

Nearly a half century later, Charles Francis Adams, the grandson of the "Old Man Eloquent," and himself a veteran of the Union Army, wrote:

"The existence of an uneradicable and insurmountable race difference is indisputable. The white man and the black man cannot flourish together, the latter being considerable in number, under the same system of government. . . . The negro squats at our hearthstone. We can neither assimilate nor expel him."[2]

We need not yield completely to Mr. Lincoln's perplexity, nor to Mr. Adams's despair in acknowledging the gravity of the situation which confronted the people of Virginia and the almost insuperable difficulties which attended its right solution.

[1] *Lincoln-Douglass Debates*, p. 74. See also *Abraham Lincoln, Letters, Speeches and State Papers*, N. & H., Vol. I, p. 187.

[2] *Century Magazine*, March, 1906, p. 106.

XXVI

The Status of the Controversy Regarding Slavery at the Time Virginia Seceded from the Union

In considering the status of the controversy with respect to slavery just prior to the Civil War, and whether Virginia in seceding was actuated by a desire to extend or perpetuate the institution, it will assist to a clearer understanding if we present in detail the several phases over which conflicts had arisen, and the parties to the same.

The right and obligation of the Federal Government to prevent, by legislation, slaveholders from emigrating into the territories with their slaves; the duty of the Federal Government to provide through its officials for the capture and return to their owners of fugitive slaves; and the existence or abolition of slavery in the Southern States—these constituted the three principal subjects of discussion and points of conflict.

Coupled with this three-fold aspect of the problem, Virginia was confronted by four factors, more or less potential in their relation to the subject—the Federal Government, the Republican Party, certain of the Northern States, and the Abolitionists.

With respect to the Federal Government, neither Virginia nor her slaveholders could lodge any complaint.

The compromise measures of 1850 had accorded slaveholders the right to carry their slaves into the territories of Utah and New Mexico (which embraced the present

states of Nevada, Utah, a portion of Colorado, and the present territories of Arizona and New Mexico); while the Kansas-Nebraska Bill, enacted in 1854, repealed the restrictions imposed by the Missouri Compromise.

Independent of these measures the Supreme Court of the United States had, in 1857, in the Dred Scott case, decided that slaveholders possessed the right under the constitution, to carry their slaves into the territories, and that Congress could not deprive them of it. In like manner, the Federal Government had enacted a fugitive slave law with most efficient provisions for its enforcement by Federal officials, and, finally, the continued existence of slavery in Virginia found a sure defense from illegal assaults in the Federal Constitution and the power and obligation of the National Government to maintain its provisions.

With respect to the attitude of the Republican Party, the situation was not so simple. The Republican Party was organized in 1854 to maintain the tenet that Congress had the right, as it was its duty, to exclude slave owners with their slaves from the territories. The Supreme Court of the United States three years later decided that Congress possessed no such power, yet in its platform of 1860 the Republican Party reasserted its position and hence advanced the more portentous claim that Congress had a right to legislate upon the subject in disregard of the mandates of the highest court of the Republic. It must also be borne in mind that the Republican Party was sectional in its origin, membership and spirit. Even its National conventions were composed of representatives gathered practically from only one of the two great divisions of the Union. Its nominees for President and Vice-President in 1856 and 1860 were both taken from the same

section. Electoral tickets bearing the names of its candidates were presented for the suffrages of the people only in the Northern and Border States; and, finally, by electoral votes coming exclusively from the North, its candidates were elected, though the majority in favor of their opponents aggregated nearly a million of the popular suffrage. These conditions may well have aroused the conviction that the rights and interests of Virginia and the South would receive scant recognition at the hands of the incoming administration, yet the fact remains that before the date of Virginia's secession, the Republican Party had, by legislative enactments and official pledges, given proof of its purpose to protect slaveholders in every right previously established by the laws of Congress and the decisions of the Federal Courts.

It is difficult at this distance from the event to appreciate how the question of the right of slaveholders to introduce slaves into the territories could have been the subject of such profound and peace-destroying controversy. That few slaves would ever be carried into the territories was a conclusion easily deducible from the character of slave labor, and the climatic and soil conditions of most of the Western prairies—especially after Southern California, which would have furnished them a congenial home, had been admitted into the Union as part of a free state.

In like manner while we may appreciate the position of slaveholders who insisted upon their constitutional right to carry slaves into the territories, though they might never expect to exercise the privilege, yet it is difficult to realize the reasonableness of objection when coming from friends of emancipation not themselves citizens of the locality which was thus to be burdened. The problem of emancipation was largely a question of the relative numbers

of whites and blacks in any given state. With few blacks and many whites, there was no problem worthy of the name. With many blacks and few whites, the problem assumed its maximum of difficulty and danger. Every slave, therefore, who went from the congested slave centres of the South to the Western prairies not only ameliorated his own condition and enhanced his hopes of emancipation, but, in like manner, augmented the chances of improvement and ultimate freedom to those he left behind. Mr. Jefferson had, as far back as 1820, crystallized the thought in terms so clear and reasonable that it seems difficult to controvert.

"Of one thing I am certain," wrote Mr. Jefferson, "that as the passage of slaves from one state to another would not make a slave of a single human being who would not be so without it, so their diffusion over a greater surface would make them individually happier and proportionately facilitate the accomplishment of their emancipation by dividing the burden upon a greater number of coadjutors."[1]

The force of these observations will still further appear when we recall that slavery might be abolished upon the adoption by a territory of its constitution preliminary to statehood, or the new state might at any time in the future so decree—a result most probable because of the small number of slaves and the ever increasing white population within its borders.

Mr. Seward in a speech before the United States Senate, in the winter of 1861, pointed out that in the decade during which the territories of Utah and New Mexico had been open to slavery, only twenty-four slaves had been carried into that vast dominion.[2]

[1] *Writings of Jefferson*, Ford, Vol. VII, p. 159.
[2] *Life of W. H. Seward*, Lathrop, p. 220.

"The whole controversy," says Mr. Blaine, "over the territories, as remarked by a witty representative from the South, related to an imaginary negro in an impossible place."[1]

But despite these considerations, an acrimonious controversy had continued with growing bitterness for years. The Republican Party had at length been organized to maintain the tenet that Congress could and must exclude slaves from the territories; and, finally, its candidates for President and Vice-President had been elected to office. By the withdrawal from Congress of the Senators and Representatives from the Cotton States, the party found itself in January, 1861, controlling both branches of the National Legislature. Despite, however, the history and platform of the party, statutes were passed organizing the territories of Colorado, Dakota and Nevada, without any provision prohibiting slavery therein. Thus months before the date of Virginia's secession, the Republican Party gave this unequivocal assurance of its purpose to accord slaveholders the right to carry slaves into the territories.

The Hon. James G. Blaine, writing twenty-five years after the happening, thus characterizes the action of his party:

"When the Missouri Compromise was repealed, and the territories of the United States north of the line 35 degrees, 30 minutes were left without slavery inhibition or restriction, the agitation began which ended in the overthrow of the Democratic Party and the election of Mr. Lincoln to the Presidency of the United States. It will, therefore, always remain as one of the singular contradictions in the political history of the country, that after seven years of almost

[1] *Twenty Years of Congress*, Blaine, Vol. I, p. 272.

exclusive agitation on this question, the Republicans, the first time they had the power as a distinctive political organization, to enforce the cardinal article of their political creed, quietly and unanimously abandoned it. And they abandoned it without a word of explanation."[1]

Mr. Blaine, in asserting that the Republican Party "unanimously abandoned" this cardinal article of its political creed, probably overstates the case. There were thousands of the party, and many of its foremost leaders, who had not surrendered their contention. At all events, the abandonment had not been made in such an authoritative and formal way as to commend itself to men yearning for peace and desiring an end of the controversy over the territories. This action, however, of the Republican Congress, in organizing the territories of Colorado, Dakota and Nevada without prohibitions as to slavery, constituted such a recognition of the constitutional rights of the slaveholders and a determination to abide by the decision of the Supreme Court, as to render baseless the charge that Virginia seceded in order to establish the right of her citizens to carry their slaves into the territories. As we shall hereafter see, Virginia was willing to re-enact the Missouri Compromise; make it a part of the constitution and thus forever exclude slavery from all the territory north of the historic line established by that settlement.

The position of the Republican Party, with reference to the Fugitive Slave Law, presented some striking contradictions. Thus, in those Northern States where statutes had been enacted to nullify the law, the dominant political forces constituted the controlling element in the member-

[1] *Idem*, p. 270.

ship of the party; yet the party itself, in its national platform, demanded neither the repeal nor amendment of the Federal statute. Again, there were men, prominent in its counsels, who, like Salmon P. Chase, frankly acknowledged that the provision of the constitution requiring the return of fugitive slaves, and the statute of the Federal Government carrying this clause into effect, would not be respected by one great element of the party and of the Northern people. On the other hand, Mr. Lincoln, who defeated him for the nomination to the Presidency, had counselled compliance with the requirements of the constitution and the law. Time and again he pointed out that it was the duty of citizens, and above all of public officials, to observe the obligations of the constitution with respect to this matter. "Stand with the Abolitionist in restoring the Missouri Compromise, and stand against him when he attempts to repeal the Fugitive Slave Law," was his declaration at Peoria, Illinois, October 16th, 1858.[1]

While a member of Congress, Mr. Lincoln had, on the 16th of January, 1849, introduced a bill for the abolition of slavery in the District of Columbia, with the consent of its voters and with compensation to the slaveholders. The fifth section of this bill provided:

"The municipal authorities of Washington and Georgetown, within their respective jurisdictional limits, are hereby empowered and required to provide active and efficient means to arrest and deliver up to their owners all fugitive slaves escaping into said district."[2]

It was because of the authorship of this proposed Fugitive

[1] *Abraham Lincoln, Speeches, Letters and State Papers*, N. & H., Vol. I, p. 202.

[2] *Abraham Lincoln, Speeches, Letters and State Papers*, N. & H., Vol. I, p. 148.

Slave Law, that, upon his nomination to the Presidency, Wendell Philips denounced him, through the columns of *The Liberator*, as "the Slave Hound of Illinois."[1]

In his inaugural address, after alluding to what he terms "the plainly written" clause of the constitution relating to fugitive slaves, he declared:

"It is scarcely questioned that this provision was intended by those who made it for the reclaiming of what we call 'fugitive slaves' and the intention of the law giver is the law. All members of Congress swear their support to the whole constitution—to this provision as much as any other. To the proposition then that slaves whose cases come within the terms of this clause 'shall be delivered up' their oaths are unanimous. . . .

"There is some difference of opinion whether this clause should be enforced by National or by state authority; but surely that difference is not a very material one. If the slave is to be surrendered, it can be of little consequence to him or to others by which authority it is done. And should any one, in any case, be content that his oath should go unkept on a merely unsubstantial controversy as to how it shall be kept?"[2]

[1] *William Lloyd Garrison*, by his children, Vol. III, p. 503.
[2] *Messages and Papers of the Presidents*, Vol. VI, p. 6.

XXVII

Status of the Controversy Regarding Slavery, at the Time Virginia Seceded from the Union (Concluded)

With respect to the institution of slavery, itself, in the Southern States, the position of the Republican Party, as a party, was even more reassuring. The platform of the party, upon which Mr. Lincoln was elected President, gave the most explicit assurance of the purpose of the incoming Administration to refrain from any interference with slavery, in the states where it was recognized by law. "The maintenance inviolate," declared that platform, "of the rights of the states, and especially of each state, to order and control its own domestic institutions, according to its own judgment exclusively, is essential to the balance of power on which the perfection and endurance of our political fabric depend."[1]

Mr. Lincoln was nominated chiefly because of his conservative position with respect to slavery, over his more conspicuous opponents, Seward and Chase, who were defeated because of their more radical anti-slavery utterances.

While never concealing his strong antipathy to the institution, Mr. Lincoln always declared his regard for the constitutional rights of slaveholders, in the states where slavery existed. Time and again, he said, "I have no pur-

[1]From Platform of National Republican Party, Chicago Convention, May, 1860.

pose, directly or indirectly, to interfere with the institution of slavery in the states where it exists. I believe I have no lawful right to do so, and I have no inclination to do so."[1]

After his election, Mr. Lincoln, under date of December 22, 1860, wrote to Alexander H. Stephens, "Do the people of the South really entertain fears that a Republican administration would directly or indirectly interfere with the slaves, or with them about the slaves? If they do, I wish to assure you, as once a friend, and I still hope not an enemy, that there is no cause for such fears."[2]

The charge is often made that, despite the platform of the Republican Party and the ante-election pledges of its candidate, the people of the South were convinced that, with its advent to power, a movement for the abolition of slavery would be inaugurated; and that, because of this fear, the Cotton States seceded from the Union. No such charge can be made with respect to Virginia. Over two months before her secession, the Republican Party, as we have seen, acquired control of both branches of Congress, and immediately proceeded to allay any such apprehensions by the adoption of resolutions and the enactment of laws of the most ultra pro-slavery type.

In January, 1861, a series of resolutions was adopted by the Senate and the House of Representatives, among which was one declaring that Congress recognized,

"Slavery as now existing in fifteen of the United States, by the usages and laws of those states, and we recognize no authority, legal or otherwise, outside of a state where it exists, to interfere with slaves or slavery in such states."[3]

[1] From President Lincoln's Inaugural Address, March 4, 1861.
[2] *Causes of the Civil War*, Chadwick, p. 143.
[3] *Lincoln and Slavery*, Arnold, p. 695.

In February, 1861, the House of Representatives adopted a resolution with but four dissenting votes wherein it was declared, "that neither the Federal Government, nor the people, have a purpose or a constitutional right to legislate upon or interfere with slavery in any of the states of the Union."

"Resolved, That those persons in the North who do not subscribe to the foregoing propositions are too insignificant in numbers and influence to excite the serious attention or alarm of any portion of the people of the Republic."[1]

Following these resolutions both Houses of Congress adopted by the necessary two-thirds vote, a joint resolution proposing an amendment to the Federal Constitution, as follows:

Article 13. "No amendment shall be made to the constitution which shall authorize or give to Congress the power to abolish, or to interfere within any state, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said state."

This amendment passed the House of Representatives February 28, 1861, by a vote of one hundred and thirty-three to sixty-five, and the Senate on the 2nd of March, 1861, by a vote of twenty-four to twelve. Ohio and Maryland promptly ratified this proposed amendment to the constitution, but the outbreak of the Civil War brought the movement to a close.[2]

In his inaugural address, President Lincoln reiterated his previous pledges and expressed his approval of the movement to adopt the amendment to the constitution

[1] *Idem*, p. 695.
[2] *Story on the Constitution*, Story, Vol. II, p. 670, Note 2.

above referred to. Alluding to his oft quoted declaration that he had neither the legal right nor the inclination to interfere with slavery in the Southern States, he said:

"I now reiterate these sentiments, and in doing so I only press upon the public attention the most conclusive evidence of which the case is susceptible, that the property, peace and security of no section are to be any wise endangered by the now incoming Administration."

Continuing, he said,

"I understand a proposed amendment to the constitution—which amendment, however, I have not seen—has passed Congress, to the effect that the Federal Government shall never interfere with the domestic institutions of the states, including that of persons held to service. To avoid misconception of what I have said, I depart from my purpose not to speak of particular amendments so far as to say that, holding such a provision to now be implied Constitutional Law, I have no objection to its being made expressed and irrevocable."

Even after the conflict of arms had occurred, the position of the Administration was reiterated in the most solemn form. On the 22nd of April, 1861, Mr. Seward, as Secretary of State, in an official communication to Mr. Dayton, Minister to France, wrote:

"The territories will remain in all respects the same, whether the revolution shall succeed or shall fail. The condition of slavery in the several states will remain just the same, whether it succeed or fail. . . . The rights of the states and the condition of every being in them will remain subject to exactly the same laws and forms of administration, whether the revolution shall succeed or whether it shall fail. In one case the states would be federally connected with the new Confederacy; in the other,

they would, as now, be members of the United States; but their constitutions and laws, customs, habits and institutions, in either case, will remain the same."[1]

On the 22nd of July, 1861, both houses of Congress, with but few dissenting votes, adopted a joint resolution which declared:

"This war is not waged, on our part, in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those states; but to defend and maintain the supremacy of the constitution, and to preserve the Union, with all the dignity, equality and rights of the several states unimpaired; that, as soon as these objects are accomplished, the war ought to cease."[2]

Such were the attitude of the Republican Party, the avowals and pledges of President Lincoln and the enactments of Congress, with respect to slavery, at the time of Virginia's secession.

It is not, however, to be concluded that the Republican Party had renounced its hostility to slavery. The pledges referred to were simply assurances of the purpose of the Federal administration to respect the constitutional rights of states where the institution existed, and of their slaveholding citizens. Nor is it claimed that slavery itself had acquired, in Virginia, or elsewhere, in the Union, an indefinite lease of life. The forces which had destroyed slavery in other lands were ever at work. They were dynamic, and gathered ever increasing influence from the economic, political and ethical conditions of the times.

Care must be taken not to confound the formally de-

[1] *Rise and Fall of the Confederate Government*, Davis, Vol. I, p. 262.
[2] Joint Resolutions adopted by Congress, July 22, 1861.

clared attitude of the Republican Party with that of the Abolitionists. The exact position of many of the leading anti-slavery men of the period is not always easy to determine. Garrison and Phillips were, of course, Abolitionists. Sumner and Chase might be classed as belonging to either or both—Republicans and Abolitionists. "Yet," says Professor A. B. Hart, "two such conspicuous champions of anti-slavery as John Quincy Adams and Abraham Lincoln always said that they were not Abolitionists."[1]

Alluding to the extra-constitutional measures advocated by the Abolitionists, Mr. Lincoln in his speech at Quincy, Ill., October 13, 1858, said:

"If there be any man in the Republican Party who is impatient over the necessity springing from its (slavery's) actual presence, and is impatient of the constitutional guarantees thrown around it, and would act in disregard of these, he too is misplaced, standing with us. He will find his place somewhere else; for we have a due regard, so far as we are capable of understanding them, for all these things."[2]

So too with respect to armed invasions and the attempt of John Brown and his abettors to precipitate servile insurrection.

Mr. Lincoln, in his speech at Cooper Union, New York, February 27th, 1860, said:

"You charge that we stir up insurrections among your slaves. We deny it; and what is your proof? Harper's Ferry! John Brown!! John Brown was no Republican;

[1] *Slavery and Abolition*, Hart, p. 175.

[2] *Abraham Lincoln, Speeches, Letters and State Papers*, N. & H., Vol. I., p. 463.

and you have failed to implicate a single Republican in his Harper's Ferry enterprise."[1] . . . Continuing, he said: "John Brown's effort was peculiar. It was not a slave insurrection. It was an attempt by white men to get up a revolt among slaves, in which the slaves refused to participate. In fact, it was so absurd that the slaves, with all their ignorance, saw plainly enough it could not succeed. That affair, in its philosophy, corresponds with the many attempts, related in history, at the assassination of kings and emperors."[2]

If it be urged that Mr. Lincoln's oft-quoted words uttered before his nomination for the Presidency, that "The Government could not endure half slave and half free," were at war with his assurances and that Virginia was thus threatened in her "peculiar institution," yet it must be remembered that Mr. Lincoln, time and again before his election, disclaimed any such purpose and denied that his words were susceptible of any such construction.

Morse, in his *Biography of Lincoln*, says: "Again and again Mr. Lincoln called attention to the fact that he had expressed neither 'a doctrine' nor an 'invitation'; nor any 'purpose,' nor 'policy' whatsoever."[3]

To quote the language of Mr. Lincoln himself in meeting the charge in his debate with Stephen A. Douglas:

"In the passage I indicated no wish or purpose of my own. I simply expressed my expectations. Cannot the Judge perceive a distinction between a purpose and an expectation? I have often expressed an expectation to die, but I have never expressed a wish to die."[4]

[1] *Abraham Lincoln, Speeches, Letters and State Papers*, N. & H., Vol. I., p. 607.
[2] *Idem*, p. 609.
[3] *Abraham Lincoln*, Morse, p. 123.
[4] *Lincoln-Douglas Debates*, p. 59.

Thomas Jefferson and other Virginia opponents of slavery had often made similar predictions. Even as a prophecy of emancipation, it involved no other suggestion than that slavery was an antiquated institution at war with the genius of our government and the spirit of the age and was doomed by forces world wide in their potency to ultimate extinction.

XXVIII

The Attitude of Certain Northern States

The constitution of the United States provides: "2. A person charged in any state with treason, felony, or other crime, who shall flee from justice and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

No person held to service or labor in one state, under the laws thereof, escaping into another state, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."[1]

The first of the foregoing clauses provides for the return of fugitives from justice, and the second, of fugitive slaves.

The attitude of certain Northern States with reference to these two provisions of the constitution was a subject of profound importance in the years immediately preceding the Civil War, and constituted one of the greatest grievances of the people of the slaveholding states.

At the time the constitution was adopted, slavery existed in every one of the thirteen states except Massachusetts, though in some others acts had been passed providing for its gradual abolition. It was deemed essential, therefore, to the peaceful relations of the several

[1]Constitution of the United States, Article IV, Sub-section 2.

states as well as the legal rights of slaveholders that some provision should be inserted in the Federal Constitution dealing with the return of fugitive slaves as well as fugitives from justice. If a slave could, by passing from New York into Massachusetts, absolve himself from slavery with no remedy for the master except the grace of the latter state, in which the institution was not recognized, then not only were the rights of the slaveholding citizens of New York dependent upon the laws of Massachusetts, but such conditions would doubtless engender strife and reprisals between the different states of the Union.

The necessity, as well as the justice, of fugitive slave laws was recognized almost contemporaneously with the introduction of slavery into this country. Thus, in the Article of Confederation adopted in 1643, between the colonies of Plymouth, Massachusetts, Connecticut and New Haven, it was provided,

"If any servant runn away from his master into any other of these Confederated Jurisdiccons, that in such case upon the Certyficate of one Magistrate in the Jurisdiccon out of which the said servant fled, or upon other due proofe, the said servant shall be delivered either to his master or any other that pursues and brings such certyficate or proofe."[1]

Provisions of like character were incorporated in many of the treaties between the various colonies and the Indian tribes, and later between the United States Government and the Indians.

The Ordinance of 1784, as adopted by Congress, contained no provision for the return of fugitive slaves escaping into the territory northwest of the Ohio River, and as

[1] *Plymouth Colony Records,* IX, p. 5, and *Fugitive Slaves,* Boston, 1891, McDougall, p. 7.

we have seen, the provision prohibiting slavery therein had been stricken out before its adoption.

On the 16th of March, 1785, Rufus King of Massachusetts presented a resolution amending the Ordinance of 1784, so as to prohibit slavery in the northwest territory, which resolution was referred to a committee consisting of King, William Howell and William Ellery; the last two members being from Rhode Island.

On the 6th of April, 1785, a report was presented from this committee to Congress, providing for an amendment of the existing ordinance, so as to exclude slavery from the northwest territory after the year 1800, " the resolution to be an article of compact" between the thirteen original states and those created out of the territory. The amendment so reported also made provision for the return to their masters of fugitive slaves escaping into the territory from any of the thirteen original states.[1]

No action was taken upon this report, but at the time the Ordinance of 1787 was under consideration, July 13th, 1787, a provision was inserted prohibiting slavery in the northwest territory along with a fugitive slave clause, by the unanimous vote of all the states present.[2]

The same year, the Constitutional Convention, in session at Philadelphia, inserted a like fugitive slave clause in the Federal Constitution.

On the 12th of February, 1793, Congress passed an act providing the method for carrying into effect the section of the constitution relating to fugitives from justice and fugitive slaves. Both subjects are treated and provided for in the same act. It passed both houses of Congress

[1] *History of the Ordinance of* 1787, American Antiquarian Society, new series, Vol. V, p. 315.

[2] *Idem*, p. 335.

by practically unanimous votes—Washington approving the bill with his signature.

By this statute, the authorities of the several states were charged with the duty of executing the law with reference to the return of fugitives from justice.

With respect, however, to fugitive slaves, the authority and burden of dealing with their return was placed upon officers of the Federal Government as well as upon certain state officials. Despite the somewhat cumbrous character of the law, the return of fugitives from justice and of fugitive slaves was assured, and little controversy arose until some forty years after its enactment. But with the rise of the Abolitionists at the North difficulties in executing the law began to appear—especially as to fugitive slaves.

William Lloyd Garrison began the publication of *The Liberator* in 1831. The American Anti-Slavery Society was organized in 1833 and soon thereafter the Underground Railroad commenced its operations. Under the influence of these forces, not only was the execution of the law with reference to fugitive slaves in many of the Northern States greatly hindered but the slaves enticed or escaping from their masters became much more numerous. The irritating effects of these conditions upon Southern slaveholders were intensified by the suggestion that the law was fairly enforced as long as there were slaves in the so-called free states. In time, however, the Legislatures of many of the Northern States adopted state laws which were undoubtedly designed to defeat the execution of the Federal statute, and thus was added the sanction of states through their law-making bodies to the illegal attitude and acts of their citizens. This political action of these states not only aroused the indignation of slaveholders,

but enlisted in their behalf the sympathies of their non-slaveholding fellow citizens. The attitude of the Abolitionists and the action of the Northern States above referred to were regarded by the people of Virginia as a violation of the constitutional rights of their state, as well as a wanton injury to the property interests of her slaveholding citizens. The Abolitionists, by every form of suggestion and appeal, incited and assisted slaves to desert their masters, while the Underground Railroad provided increasing facilities for accomplishing the result.

Professor A. B. Hart, of Harvard University, says:

"The Underground Railroad was not a route but a network; not an organization, but a conspiracy of thousands of people banded together for the deliberate purpose of depriving their Southern neighbors of their property and of defying the Fugitive Slave Laws of the United States."[1]

With such a system in active operation, it only became necessary, in order to invest the whole movement with the dignity of state usurpation and wrong, for states to enact the so-called Personal Liberty Laws.

[1] *Slavery and Abolition*, Hart, p. 228.

XXIX

The Attitude of Certain Northern States (Concluded)

Beginning in 1837, Massachusetts adopted the first of the so-called Personal Liberty Laws, which were followed by others of like import enacted by Vermont, New York and Connecticut. The ostensible object of these statutes was to protect free negroes, but as no such laws were necessary until the rise of the Abolitionists and the operations of the Underground Railroad, they were generally accepted as efforts on the part of these states to assist these agencies and defeat the clause of the constitution of the United States which provided for the return of fugitive slaves.

In 1842, the Supreme Court of the United States decided that so much of the Fugitive Slave Law of 1793 as authorized or required state officials to assist in executing the law was unconstitutional, and that upon Federal authorities must rest the whole burden.[1] This decision was followed by a new series of statutes in Massachusetts, Vermont, Pennsylvania, and Rhode Island.[2]

On the 18th of September, 1850, Congress passed another Fugitive Slave Law amending the act of 1793 so as to charge Federal officials with the whole duty of carrying into effect the clause in the constitution providing for the return of fugitive slaves, and to remedy the difficulties resulting from the action of the Abolitionists and the acts

[1]See Decision in Case of Prigg *vs.* Pennsylvania, 16 Pet. 539.
[2]*Fugitive Slaves*, McDougall, p. 66.

passed by certain states as above referred to. This aroused fresh antagonism to the constitution and the efforts of the Federal Government to carry the same into effect. The constitutionality of the new law was denied and though affirmed by the Supreme Court, its execution in the foregoing states was much embarrassed by a new series of state statutes. Laws of like import, with like results, were also enacted by Wisconsin, Michigan, Connecticut and Maine.

In some instances, the decision of the Supreme Court of the United States affirming the constitutionality of the statute was challenged by the legislative department of state governments, and the right of the former tribunal to fix the obligations of states and citizens with respect to the law strenuously denied.

Thus, in Wisconsin one Sherman M. Booth had been indicted in the Federal Court for a violation of the Fugitive Slave Law enacted by Congress, and, after trial and conviction, was sentenced for the offense. An application for a writ of habeas corpus was presented by Booth to the Supreme Court of Wisconsin and his release prayed for on the ground that the Federal statute was unconstitutional. The Supreme Court of Wisconsin took cognizance of the case and discharged the prisoner from the custody of the Federal authorities.[1]

An appeal was taken to the Supreme Court of the United States where the constitutionality of the Federal statute was affirmed, the judgment of the Supreme Court of Wisconsin reversed and Booth remanded to custody.[2] Thereupon, the General Assembly of Wisconsin on the 16th of

[1] *In re Sherman M. Booth*, 3rd Wisconsin Rep., p. 13.

[2] *Ableman* vs. *Booth* and *United States* vs. *Booth*, 21st Howard, p. 506.

March, 1859, adopted a series of resolutions in which, after denying the right of the United States Supreme Court to take cognizance of the above mentioned case, they declared:

"That the government, formed by the constitution of the United States, was not made the exclusive or final judge of the powers delegated to itself: but that as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself as well of infractions as of the mode and measure of redress.

"That the principle and construction contended for by the party which now rules in the councils of the nation, that the General Government is the exclusive judge of the extent of the powers delegated to it, stop nothing short of despotism; since the discretion of those who administer the government, and not the constitution, would be the measure of their powers; that the several states which formed that instrument being sovereign and independent have the unquestionable right to judge of its infraction and that a positive defiance by those sovereignties of all unauthorized acts done or attempted to be done under color of that instrument is the right remedy."[1]

These outspoken and persistent attempts of great states to repudiate their obligations to the constitution and to nullify the laws of Congress had a most reactionary influence upon slaveholders and their sympathizers in Virginia and the South and filled the minds of thoughtful men with the gravest forebodings for the peace and preservation of the Union.

President Buchanan in his message to Congress, December, 1860, refers to the action of the states in nullifying the

[1] *Journal of the General Assembly of Wisconsin*, Session 1859, pp. 463 and 865.

Fugitive Slave Law enacted by Congress, as "the most palpable violation of constitutional duty which has yet been committed."

Governor Banks in his address before the Legislature of Massachusetts which assembled on the first Wednesday in January, 1861, referring to the statute enacted in that state antagonistic to the act of Congress for the return of fugitive slaves, and the consequent imputation which it brought upon the loyalty of Massachusetts to the Union and its constitution, said:

"It is because in the face of her just claims to high honor I do not love to hear unjust reproaches passed upon her fame—that I say as I do, in the presence of God and with a heart filled with responsibilities that must rest upon every American citizen in these distempered times, I cannot but regard the maintenance of a statute, although it may be within the extremest limits of constitutional power, which is so unnecessary to the public weal and so detrimental to the public peace as an inexcusable public wrong. I hope by common consent it may be removed from the statute book and such guarantees as individual freedom demands be sought in new legislation."[1]

Congress, in February, 1861, adopted the report of the Committee of Thirty-three of which Thomas Corwin of Ohio was chairman, which after reciting "that all attempts on the part of the Legislatures of any of the states to obstruct or hinder the recovery," of fugitive slaves, "are in derogation of the constitution . . . and dangerous to the peace of the Union," resolved

"That the several states be respectfully requested to cause their statutes to be revised, with a view to ascertain

[1] *History of Massachusetts in the Civil War*, Schouler, Vol. 1, p. 6.

if any of them are in conflict with or tend to embarrass or hinder the execution of the laws of the United States . . . for the delivery up of persons held to labour by the laws of any state and escaping therefrom; and the Senate and House of Representatives earnestly request that all enactments having such tendency be forthwith repealed as required by a just sense of constitutional obligations and by a due regard for the peace of the Republic."[1]

President Lincoln in his inaugural address, referring to the clause of the constitution providing for the return of fugitive slaves, and the contention as to whether the same should be executed by Federal or state officials, said: "If the slave is to be surrendered, it can be of little consequence to him or to others by which authority it is done. And should any one in any case be content that his oath should go unkept on a merely unsubstantial controversy as to how it shall be kept?"

Despite these considerations, Rhode Island alone repealed the obnoxious statutes, and great leaders of the Republican Party frankly confessed that the constitution and the law would not be respected in certain of the Northern States. Salmon P. Chase, speaking in the Peace Conference at Washington, in February, 1861, alluding to the provision of the constitution for the return of fugitive slaves, said: "The people of the free states, however, who believe that slave-holding is wrong cannot and will not aid in the reclamation, and the stipulation becomes therefore a dead letter."[2]

Of the Personal Liberty Laws Mr. George Lunt of Boston in his work, *Origin of the Late War*, says: "They con-

[1]See *Reports of Thirty-second Congress, and Twenty Years of Congress*, Blaine, pp. 258-265.

[2]*Debates in Peace Conference Convention*, Crittenden, p. 430.

stitute an extreme exemplification of the broadest claim to state sovereignty, and put the states which authorized them in direct hostility to the United States. They were not one whit more defensible than the Rebellion itself to which they had such a principal part in preparing the minds of the seceding states."[1]

Closely associated with the controversies growing out of the return of fugitive slaves and the action of certain Northern States, in defeating the provision of the constitution in regard thereto, was the attitude of many of the same states with respect to the provision for the return of the fugitives from justice. A few notable instances will suffice to illustrate the subject and its profound influence in arraying Southern States, as states, against certain of their Northern sisters.

In 1837 the Governor of Georgia made requisition upon the Governor of Maine for the return to the former state of the captain of a ship charged with aiding and abetting a slave to desert his master. The Governor of Maine refused to comply with the requisition, alleging that the laws of that state did not recognize slavery or the offense complained of as an indictable one. Thereupon the Legislature of Georgia petitioned Congress to enact some law to compel state authorities to comply with this provision of the Federal Constitution. No action, however, was taken by Congress, nor was the slave or his abductor ever carried back to Georgia.[2]

In 1841 the Governor of Virginia made requisition upon the Governor of New York for the return of two men indicted in the former state for aiding and enticing slaves to leave their masters. William H. Seward was at that

[1] *Origin of the Late War*, Lunt, p. 217.
[2] *Fugitive Slaves*, Boston, 1891, McDougall, p. 41.

time Governor of New York. He refused to honor the requisition, alleging that the offense for which the parties were indicted was not one deemed criminal by the laws of New York or the nations of the world. A long and peace-destroying controversy in which the Legislatures of the two states became involved followed; but the fugitives were never returned, and the people of Virginia felt that the highest law officer of a sister state had been recreant to his obligations to the Federal Constitution and reckless of the rights of their state.

In 1860, the Governor of Kentucky made requisition upon the Governor of Ohio for the return to the former state of a fugitive from justice indicted for the violation of a statute imposing penalties upon persons aiding slaves to escape from their masters. The Governor of Ohio refused to honor the requisition; thereupon the State of Kentucky instituted a suit in the Supreme Court of the United States against the Governor of Ohio, to compel him to comply with the provision of the Federal Constitution above referred to and deliver up the fugitive from justice.

The Governor of Ohio interposed as a defense the same reasons advanced by Governor Seward. But the Supreme Court of the United States held that the defense was insufficient, and that it was the constitutional duty of the Governor of Ohio to deliver up the fugitive. The court declared: "The objection made to the validity of the indictment is altogether untenable."[1] The court also decided that the suit was properly instituted, in the right forum, and that the Governor of Ohio was under constitutional obligations to deliver up the fugitive to the authorities of Kentucky, but that no judgment could be

[1] *Kentucky against Dennison*, 24th Howard, p. 107.

entered by the court granting the relief prayed for. Chief Justice Taney, speaking for the court, after alluding to the fact that the framers of the constitution confidentiy believed that "A sense of justice and of mutual interest would insure a faithful execution of the provision," declared: "If the Governor of Ohio refuses to discharge this duty there is no power delegated to the General Government, either through the judicial department or any other department, to use any coercive means to compel him."[1]

This decision brought home to the people of Virginia the fact that the authorities of certain of the Northern States were violating their obligations under the Federal Constitution, and yet the Federal Government was unable to remedy the wrong and maintain the rights of the injured commonwealths.

These conditions and the attitude of the Northern States which thus nullified the provisions of the Federal Constitution undoubtedly moved thousands of Virginians and other citizens of the South to secession. They refused to remain members of a Union in which the rights of their states were thus violated by their sister commonwealths.

But the claim that Virginia seceded in order to avert pecuniary loss resulting from the non-return of fugitive slaves is negatived by the fact that by such action she surrendered all the benefits from the Federal Constitution and statute. In the Union, some protection was secured to the state with respect to the rights thus menaced. Outside of the Union, every such benefit was lost, and the state stood absolutely without redress.

[1] *Kentucky against Dennison,* 24th Howard, p. 109.

XXX

The Abolitionists

We come now to consider the fourth force or factor with which Virginia had to reckon, namely, the Abolitionists. These constituted a body of earnest, tireless agitators—men and women who had devoted mind and heart to the work of destroying slavery. No consideration of the maintenance of law, the national peace, nor the preservation of the Union availed to moderate their zeal or circumscribe their efforts. Slavery was a sin against God—and to the King of kings they owed their first allegiance. To counsels of moderation, to suggestions of expediency, to appeals for law, they returned the oft reiterated answer —*Delenda est Cathago!* The orderly processes of time—the force of public opinion exerted through law, rather than against law, were to them but the suggestions of cowardice and a means for prolonging the life of an institution, the measure of whose sin cried unto Heaven. Fight Slavery!—now and always—wherever found and by every weapon known to the wit of man, was the burden of their message. Keep it out of the territories? Yes! and for the contest depend not alone upon the laws of Congress; but send armed men to the prairies of Kansas and hold the land against the slaveholders and their slaves by fire and the sword. Opposed to a Fugitive Slave Statute? Yes!—contest its enactment by Congress and defeat its execution when it becomes a law. Let the free states nullify this Federal statute by state laws; let mobs

rescue from Federal officials the fugitives in their custody; and then cover the land with the conspiracy of the "Underground Railroad" by means of which the slave might pass to the freedom which awaited him beyond the Canadian border.

But it was slavery in its citadel—the existence of the institution in the slave states—that aroused their fiercest antagonism and rallied their forces to a battle which should never end but with its complete destruction. From this body of militant agitators and reformers, the slaveholders of Virginia could expect no quarter, and the commonwealth no surcease from the agitations so destructive of her peace.

William Lloyd Garrison and Wendell Phillips were the foremost leaders of this great fellowship, and in no year of grace were their demands more insistent and their assaults more aggressive than in the troublous days immediately preceding the Civil War. Amid all appeals for the maintenance of law and the preservation of peace might be heard their voices like fire-bells at night, denouncing the Union and the constitution and demanding the immediate abolition of slavery. But by none of these things was Virginia moved to secession. As declared by Henderson, the English military critic, "The wildest threats of the 'Black Republicans,' their loudly expressed determination in defiance of the constitution, to abolish slavery, if necessary, by the bullet and the sabre, shook in no degree whatever her loyalty to the Union."[1]

For none of Virginia's grievances nor those of her slaveholders against the Abolitionists was secession a cure. Within the Union and under the *ægis* of the constitution

[1] *Stonewall Jackson*, Henderson, Vol. I, p. 122.

was to be found her surest defense against all their assaults. By secession she would surrender her interest in the territories and all claim of right to introduce slaves therein. By secession she would forfeit all the benefits of the Fugitive Slave Law. By secession she would lose the strong arm of the National Government to defend her against assaults, whether by lawless bands or the legislative enactments of hostile states. Even with respect to servile insurrections her withdrawal from the Union would in no way abate the danger but only lessen her power to cope with the problem. John Brown and his band were captured by United States soldiers and the flag of the Union carried protection to the inmates of every lonely manor house and cabin throughout her borders, whether menaced by the slaves themselves or the emissaries of those who plotted against her peace. Of all these facts the Abolitionists had the profoundest appreciation. Hence for years they advocated disunion as a condition precedent to the attainment of their great end—the abolition of slavery.

XXXI

The Abolitionists and Disunion

The disunion sentiments and efforts of the Abolitionists may be traced through the declarations of their leaders and the platforms of their societies, enunciated from time to time, during a long series of years antedating the Civil War. Thus in January, 1843, the Massachusetts Anti-Slavery Society adopted the following resolution:

"That the compact which exists between the North and the South is a covenant with Death and an agreement with Hell—involving both parties in atrocious criminality, and should be immediately annulled."[1]

These sentiments were affirmed and reiterated by the American Anti-Slavery Society at its tenth anniversary meeting in New York City, May, 1844, where among other declarations the Federal Constitution was denounced as "a covenant with Death and an agreement with Hell," and the motto adopted "No Union with Slaveholders."[2]

In 1854, William Lloyd Garrison declared, "There is but one honest, straightforward course to pursue if we would see the slave power overthrown—the Union must be dissolved."[3] And Wendell Phillips re-echoed the sentiment in the no less explicit declaration, "As to disunion, it must and will come. Calhoun wants it at one

[1] *William Lloyd Garrison*, by his children, Vol. III, p. 88.
[2] *Idem*, p. 100.
[3] *Idem*, p. 414.

end of the Union, Garrison wants it at the other. It is written in the counsel of God."[1]

Mr. Schouler, referring to the foregoing declaration of Mr. Garrison and the occasion, says: "And such was the general tenor of anniversary speeches and resolutions through the next six years, whenever and wherever meetings were held of our Anti-Slavery Societies."[2]

These disunion sentiments continued with growing insistence in the declarations of leading Abolitionists and in the platform of their societies. On the 15th of January, 1857, there assembled at Worcester, Mass., the "Disunion Convention." This body adopted, among other resolutions, one demanding the immediate dissolution of the Union, and declaring that "The sooner the separation takes place, the more peaceful it will be; but that peace or war is a secondary consideration in view of our present perils. Slavery must be conquered, peaceably if we can, forcibly if we must."[3] This convention appointed a State Committee of seven, of which the Rev. Thomas Wentworth Higginson was made chairman, to direct the propaganda of the new movement and a general convention composed of delegates from all the free states was recommended. A call for the latter convention was accordingly issued in July, 1857, signed by Mr. Higginson, Wendell Phillips, William Lloyd Garrison, and other leading Abolitionists. Cleveland, Ohio, was selected as the place for the convention, because a majority of the signers to the call, some seven hundred in number, were citizens of that state. The 28th of October was fixed as the date for the meeting of the convention. This body,

[1] *Wendell Phillips*, Martin, p. 207.
[2] *History of United States*, Schouler, Vol. V, p. 319.
[3] *William Lloyd Garrison*, by his children, Vol. III, p. 457.

however, failed to assemble because of the terrible financial panic which began in September of that year,—the leaders deciding to postpone the "projected Northern Convention until a more auspicious period."[1]

In his speech before the "Disunion Convention" at Worcester, Mass., above referred to, William Lloyd Garrison said:

"Again, I am for the speedy overthrow of the Union because, while it exists, I see no end to the extension of slavery. I see everything in the hands of the Slave Power now—all the resources of the country,—every dollar in the Treasury, the Navy, the Judiciary, everything in its grasp; and I know that with all these means and facilities and the disposition to use them, nothing can successfully contend against it.

"I am sure of another thing—that when the North shall withdraw from the Union, there will be an end to Southern filibustering and schemes of annexation. Then the tables will be turned and we shall have the slaveholders at our doors crying for mercy. Rely upon it, there is not an intelligent slaveholder at the South who is for a dissolution of the Union. I do not care what the folly or insanity of the Southern Nullifiers may be; . . . not one of them is willing to have the cord cut and the South permitted to try the experiment. If it be otherwise, God grant that she may soon take this step and see whether she will be able to hold a single slave one hour after the deed is done."[2]

No opportunity was neglected to inculcate sentiments of disloyalty to the Union, hatred of the constitution, and disregard of the statutes enacted by the Federal Government bearing upon slavery. Sometimes the Abolitionists would emphasize their position and lend a touch of

[1] *Idem*, p. 463.
[2] *Idem*, pp. 456-7.

realism to their sentiments by burning before the multitudes copies of the constitution and obnoxious laws passed by Congress.

Thus at Framingham, Mass., on the fourth of July, 1854, at the open-air celebration of the day by the Abolitionists, William Lloyd Garrison burned copies of the constitution, the Fugitive Slave Law, and the opinions of several Judges of the Federal Courts in Massachusetts. *The Liberator* records that Mr. Garrison, "holding up the United States constitution branded it as the source and parent of all the other atrocities—a covenant with Death and an agreement with Hell—and consumed it to ashes on the spot, exclaiming, 'So perish all compromises with Tyranny,' and 'Let all the people say Amen,' and a tremendous shout of 'Amen' went up to Heaven in ratification of the deed."[1]

No eminence of public station nor personal worth availed to shield from the assaults of these Abolition leaders. William Lloyd Garrison alluding to Webster's eulogies upon the constitution declared, "Let Daniel Webster, the greatest and meanest of his countrymen, exhaust his powers of eulogy upon it if he will; the effort will but render his character base and contemptible with posterity."[2]

Wendell Phillips, referring to the "Defender of the Constitution," said: "God gives us great scoundrels for texts to anti-slavery sermons. See to it, when nature has provided you a monster like Webster, that you exhibit him—himself a whole menagerie—throughout the country."[3] Subsequently in an article in *The Liberator* on Mr. Lincoln—then but recently nominated for the Presidency, headed

[1] *Idem*, p. 412.
[2] *Idem*, p. 184.
[3] *Speeches, Lectures and Letters*, Wendell Phillips, Lee & Shepard, 1892, p. 48.

"Abraham Lincoln, the Slave Hound of Illinois," Wendell Phillips wrote: "We gibbet a Northern hound to-day side by side with the infamous Mason of Virginia."[1]

Theodore Parker alluding to the Federal judges and officials in Boston who bore a part in the execution of the Fugitive Slave Law, addressing the "Spirits of Tyrants" and apostrophising Cain, Herod, Nero, and Torquemada, proceeds as follows: "Come up, thou heap of wickedness, George Jeffreys! Thy hands deep purple with the blood of thy murdered fellow men! . . . What! Dost thou shudder? Thou turn back? These not thy kindred? It is true, George Jeffreys. And these are not thy kin. . . . Thou wouldst not send a man into bondage for two pounds. I will not rank thee with men who in Boston for ten dollars would enslave a negro now."[2]

Even the patriotic enthusiasm of Longfellow in his "Ode to the Union," aroused Garrison's ire, who denounced it as "a eulogy dripping with the blood of imbruted humanity," and for the poet's conception of the "Ship of State" he substituted:

. . . "'Perfidious bark!
Built i' th' eclipse and rigged with curses dark.' . . . Destined to go down full many a fathom deep, to the joy and exultation of all who are yearning for the deliverance of a groaning world."[3] (*a*)

[1] *William Lloyd Garrison*, by his children, Vol. III, p. 503.
[2] *Theodore Parker, A Biography*, Frothingham, p. 431.
[3] *William Lloyd Garrison*, by his children, Vol. III, p. 280.

a Note: The author has not cited any examples of the terms employed by the leaders of the Abolitionists in referring to the Southern people. If Webster were denounced as a "monster" and Lincoln as a "slave-hound" because, in their devotion to the Union and their respect for law, they would protect the constitutional rights of slaveholders, the reader may readily imagine

But the Abolitionists did not confine their efforts to denunciations of the constitution and its defenders, or in devising schemes for the overthrow of the Union. They actually secured the enactment by many Northern Legislatures of so-called Personal Liberty Laws, designed to nullify the Fugitive Slave Law passed by Congress. In like manner many of them were the apologists, if not the instigators, of servile insurrections, of which John Brown's venture was at once the fell offspring, and the dread sign of more to follow. William Lloyd Garrison declared that Brown deserved "to be held in grateful and honorable remembrance, to the latest posterity, by all those who glory in the deeds of a Wallace or a Tell, a Washington or a Warren."[1] Theodore Parker said: "No American has died in this century whose chance of earthly immortality is worth half so much as John Brown's."[2] Wendell Phillips speaking in Plymouth Church declared: "John Brown violated the law. Yes. On yonder desk lie the inspired words of men who died violent deaths for breaking the laws of Rome. Why do you listen to them so reverently? Huss and Wycliffe violated laws. Why honor them? George Washington, had he been caught before 1783, would have died on the gibbet for breaking the laws of his sovereign."[3]

William Lloyd Garrison, while insisting that he himself

the denunciations poured upon the citizens of the slaveholding states. For twenty-five years the people of the South, their civilization and morality were arraigned by orators and editors, preachers and poets, dramatists and novelists, in terms without parallel in polemic literature.

[1] *Idem*, Vol. III, pp. 489-491.

[2] *Theodore Parker, A Biography*, Frothingham, p. 463.

[3] *Speeches, Lectures and Letters*, Wendell Phillips, Lee & Shepard, 1892, p. 279.

was a "peace man" and opposed to the use of "carnal weapons," proclaimed: "I am prepared to say, success to every slave insurrection at the South and in every slave country,"[1] and Theodore Parker re-affirmed the sentiment in the declaration: "I should like, of all things, to see an insurrection of slaves. It must be tried many times before it succeeds, as at last it must."[2]

Wendell Phillips speaking at the grave of John Brown said: "Insurrection was a harsh, horrid word to millions a month ago. John Brown went a whole generation beyond it, claiming the right for white men to help the slave to freedom by arms. And now men run up and down not disputing his principles."[3]

Admiral Chadwick in his recent work, *The Causes of the Civil War*, thus presents the position of prominent Abolitionists with respect to servile insurrections and especially the efforts to precipitate one at Harper's Ferry:

"Parker was also one who could say, 'I should like of all things to see an insurrection of slaves. It must be tried many times before it succeeds, as at last it must,' an expression which was the outcome of his own full knowledge of what was brewing. Of this the others of the Boston Secret Committee, Stearns, Higginson, Howe, and Sanborn, as already shown on the authority of the last, also had full information, as had Gerrit Smith, with the exception, perhaps, of the exact place at which Brown was to strike. Brown's funds were supplied by these men, who were accessories before the fact in the fullest meaning of the phrase. It is impossible to justify such actions.

"Stearns and his fellows were not martyrs; they did not

[1] *William Lloyd Garrison*, by his children, Vol. III, p. 489-491.

[2] *Theodore Parker, A Biography*, Frothingham, p. 475.

[3] *Speeches, Lectures and Letters*, Wendell Phillips, Lee & Shepard, 1892, p. 291.

risk their lives; they were not in open warfare; they were simply in secret conspiracy to carry by bolder instruments throughout the South the horrors of Hayti, still vivid in the recollection of many then yet living."[1]

But the Abolitionists appreciated that it was the Union and its power that stood as the strongest barrier against the success of their instigations to servile insurrection, and held in leash the giant form, Slavery, with its pike and brand. Long ago Mr. Garrison had said:

"What protects the South from instant destruction? Our physical force. Break the chain which binds her to the Union and the scenes of St. Domingo would be witnessed throughout her borders. She may affect to laugh at this prophecy but she knows her security lies in Northern bayonets. Nay, she has repeatedly taunted the free states with being pledged to protect her."[2]

[1] *Causes of the Civil War*, Chadwick, p. 84.
[2] *William Lloyd Garrison*, by his children, Vol. I, p. 309.

XXXII

The Abolitionists and Disunion (Concluded)

These citations from the deliverances of the great leaders of the Abolitionists will give some idea of the motives and methods which pervaded that fellowship. With tireless insistence they went forward with their labors for the abolition of slavery and the dissolution of the Union, the latter being deemed a condition precedent to the complete accomplishment of the former. Only the action of South Carolina, which brought the nation face to face with a practical attempt at disunion, served to suspend the efforts of the Abolitionists to effect a like result. This momentous step on the part of South Carolina was received with exultant satisfaction—William Lloyd Garrison declaring, "All Union-saving efforts are simply idiotic. At last 'the covenant with Death' is annulled, and the 'agreement with Hell' broken, at least by the action of South Carolina, and ere long by all the slave-holding states, for their doom is one."[1] And Wendell Phillips re-echoed the sentiment: "Let the South march off with flags and trumpets, and we will speed the parting guest. Let her not stand upon the order of her going, but go at once: Give her jewels of silver and gold, and rejoice that she has departed. All hail, Disunion!"[2]

Such was the condition of affairs with respect to the controversy over slavery in Virginia in the fateful winter

[1] *William Lloyd Garrison*, by his children, Vol. III, p. 508.
[2] *Thurlow Weed*, Barnes, Vol. II, p. 305.

of 1860-61. For the maintenance of the institution stood the constitution and laws of the Union and the pledges of the Republican Party dominant in their administration. For the destruction of the institution stood the Abolitionists, a great fellowship, earnest and aggressive, but without official power in the National Government and relying upon disunion or a condition of civil war as the essential prerequisite to the accomplishment of their plans.

James G. Blaine wrote:

"But for the constant presence of National power and its constant exercise under the provisions of the constitution, the South would have no protection against anti-slavery assaults of the civilized world. Abolitionists from the very beginning of their energetic crusade against slavery had seen the constitution standing in their way, and with the unsparing severity of their logic had denounced it as 'a league with Hell and a covenant with Death.'"[1]

The people of Virginia in like manner appreciated the situation. "What madness," wrote Madison, "in the South to look for greater safety in disunion! It would be worse than jumping out of the frying pan into the fire. It would be jumping into the fire from fear of the frying pan, i.e., Northern meddling with slavery."[2]

Governor McDowell, referring to slavery and disunion, said:

"If gentlemen do not see or feel the evil of slavery whilst the Federal Union lasts, they will see and feel it when it is gone; they will see and suffer it then in a magni-

[1] *Twenty Years of Congress*, Blaine, Vol. I, 176.

[2] *Madison to Clay, Private Correspondence of Henry Clay*, Colton, p. 365.

tude of desolating power to which 'the pestilence that walketh in darkness' would be a blessing."

Referring to the protection afforded slavery by the Federal Constitution, he said:

"Withdraw but the protecting energies of that instrument and be the associations into which we shall be thrown what they may—whether directed by judgment or caprice —our distinct character as a slaveholding people will still be left—we shall still hold a separate and adversary interest but hold it under circumstances of aggravated evil, as the existence of it will disqualify us for defense in the very degree in which it will expose us to foreign hostility and wrong."[1]

Robert E. Lee, referring to the same subject, wrote,

"The South, in my opinion, has been aggrieved by the acts of the North, as you say. I feel the aggression and am willing to take every proper step for redress. . . . But I can anticipate no greater calamity than a dissolution of the Union. It would be an accumulation of all the evils we complain of, and I am willing to sacrifice everything, but honor, for its preservation."[2]

George W. Summers, speaking in the Virginia Convention of 1861, said:

"What has Virginia to gain by secession and separate action? Nothing on the territorial question but lose everything. On the fugitive slave question, she could make no treaties with the North or with England. In relation to the institution of slavery, which I consider morally, socially and politically right, she will lose the

[1] *Virginia Slavery Debate*, 1832, Speech of James McDowell, pp. 23-24.

[2] *Memoirs of Robert E. Lee*, Long, p. 88.

present protection and be exposed to border incursions from a foreign government."[1]

John S. Carlile, speaking in the same convention, said:

"I have been a slaveholder from the time I've been able to buy a slave. I have been a slaveholder not by inheritance but by purchase; and I believe that slavery is a social, political and religious blessing. . . . How long, if you were to dissolve this Union—if you were to separate the slaveholding from the non-slaveholding states, would African slavery have a foothold in this portion of the land? I venture the assertion that it would not exist in Virginia five years after the separation; and nowhere in the Southern States twenty years after. How could it maintain itself, with the whole civilized world, backed by what they call their international law, arrayed for its ultimate extinction with this North, which is now bound to stand by us and to protect slavery, opposed to us? . . . And now, Mr. President! in the name of our illustrious dead, in the name of all the living, in the name of millions yet unborn, I protest against this wicked effort to destroy the fairest and freest government on the earth."[2]

It was under the reign of law and with the forces of the Union as its allies that the institution of slavery could meet with success, all assaults coming from beyond the states where it existed. Amid the clash of arms and with the Federal Government no longer protecting their rights, slaveholders were most open to successful attack and slavery most likely to receive its mortal blow.

Wendell Phillips expressed the idea when he declared:

"The storm which rocked the vessel of state almost to foundering snapped forever the chain of the French slave.

[1] *Richmond Dispatch*, March 13, 1861.
[2] See *Richmond Enquirer*, March 11th, 1861.

Look, too, at the history of the Mexican and South America emancipation and you will find that it was in every instance, I think, the child of convulsion. The hour will come—God hasten it!—when the American people shall so stand on the deck of their Union—'built i' th' eclipse, and rigged with curses dark.' If I live to see the hour I shall say to every slave, 'Strike now for Freedom.'"[1]

It would seem most unreasonable and illogical to suppose that the people of Virginia turned to secession and civil war from a selfish desire to safeguard slavery from the attacks of the Abolitionists. Such a course augmented rather than lessened the dangers which beset the institution.

If, however, worn out with the assaults upon their constitutional rights and wounded in their pride by the fierce arraignments of their character and civilization, they turned to separation as a means of preserving their self-respect and as showing a determination to live no longer in political association with their enemies, then their action becomes intelligible—whatever may be the judgment as to the just proportion between the wrongs complained of and the remedy proposed.

[1] *Speeches, Lectures and Letters*, Wendell Phillips, Lee & Shepard, 1892, p. 85.

XXXIII

The Emancipation Proclamations and the Virginia People

Our review of the record of the Federal Government with respect to slavery and the attitude of the Republican Party, which had just assumed control of its Executive and Legislative Departments, in regard thereto, is sufficient to demonstrate that, at the time Virginia seceded, she could not have been actuated by a selfish desire to defend the institution against the hostile power of the Nation. There was no rallying of the people of Virginia to resist a threatened edict of emancipation because no such proclamation had ever been suggested. As we shall see, the proclamation which aroused them to arms was the call of President Lincoln for seventy-five thousand men to re-establish the authority of the National Government in the Southern Confederacy and the demand that Virginia should furnish her quota of soldiers for the momentous undertaking. Virginia, denying the right of the Federal Government to enter upon this policy of armed coercion, withdrew from the Union along with North Carolina, Tennessee and Arkansas. On this great issue the battle was joined and men by the thousands gave their lives to the rival claims of Home Rule versus National Supremacy. The war thus precipitated went onward with its terrible fruitage of death and destruction for nearly a year and a half when President Lincoln issued his first Proclamation of Emancipation. Could any change or attempted change, by the Federal

Government, of the motives for the struggle on the part of the Northern people change the motives which actuated the people of Virginia and shift for them the gage of battle? That the proclamations did not in fact convert the contest on the part of the Southern States from a war waged for their independence into one for the maintenance of slavery is manifest from the terms of the proclamations themselves and the unchanged attitude of the Southern people. The first proclamation threatened the emancipation of the slaves in states, or portions of states, which might still be found in arms against the Union one hundred days thereafter, and exempted from emancipation slaves in states and portions of states which would surrender their battle for independence. Had the Federal Government offered to accord the Southern States their independence provided they would abolish slavery then their rejection of such an offer and their continuance to do battle might have rendered them liable to the charge of fighting to maintain the institution. But the offer and threat presented just the other alternative and were alike unavailing to stop the struggle on the part of the Southern people. To quote the language of Mr. Lincoln:

"After the commencement of hostilities, I struggled nearly a year and a half to get along without touching the institution, and when finally I conditionally determined to touch it, I gave a hundred days fair notice of my purpose to all the states and people within which time they could have turned it wholly aside by simply again becoming good citizens of the United States."[1]

In neither portion of Virginia—that in which emanci-

[1]Letter of Lincoln to General McClernand, January 8th, 1863. *Abraham Lincoln, Speeches, Letters and State Papers*, N. & H., Vol. II, p. 296.

pation was decreed nor that in which slavery was to remain unaffected (*a*) did President Lincoln's proclamations produce any change in the attitude of her people and this was so because, as they protested, slavery was neither the interest nor the issue which had impelled them to draw the sword.

We would not, however, be understood as maintaining that slavery did not constitute the most potential factor in developing the conditions which finally precipitated the Civil War. The acrimonious discussions of thirty years, the conflicts over legislation, state and Federal, the criminations and recriminations from pulpit, press and platform, found at length their baneful fruit in the destruction of tolerance, confidence and fraternity between the people of the two great sections. With hearts dissevered, the bonds of union were strained to the utmost, and when at length a sectional propaganda inaugurated by one great element of the Northern people scored a triumph at the polls, the people of the Cotton States sought in secession release from a political association which they regarded as repugnant to their feelings and subversive of their rights. But upon the issues thus made up Virginia refused to secede. It was after the secession of the Cotton States that the people of Virginia at their election February 4th, 1861, by a great majority still declared for union. Other and more fundamental causes for secession and conflict had to arise before Virginia could be driven to abandon the Union.

a Note: The reader will recall that the proclamation did not emancipate the slaves in "the Counties of Berkeley, Accomac, Northampton, Elizabeth City, York, Princess Anne and Norfolk, including the cities of Norfolk and Portsmouth," nor those in the States of Delaware, Maryland, West Virginia, Kentucky, Missouri, Tennessee and portions of Louisiana.

Nor would we seek to maintain that an unconstitutional assault by the Federal Government or the Northern States upon the institution of slavery in Virginia would not have provoked and justified resistance. Such resistance, however, could not fairly be imputed to a sordid and selfish desire to protect the institution. To repel invasion of constitutional rights is the highest duty of a free people. It is the right and principle involved, and not the incident or interest which occasioned the invasion, that determines the motive and character of the resistance.

John Hampden and his compatriots resisted with arms what they regarded as the unconstitutional effort of their Sovereign to collect the "Ship Money" and yet it would be a most superficial and untruthful conception of their position to declare that they fought for the sum involved in the King's attempt. In the language of Edmund Burke in his great speech on taxing the American Colonies, "Would twenty shillings have ruined Mr. Hampden's fortune? No! But the payment of half twenty shillings on the principle it was demanded would have made him a slave."

PART III

VIRGINIA DID NOT SECEDE FROM A WANTON DESIRE TO DESTROY THE UNION OR FROM HOSTILITY TO THE IDEALS OF ITS FOUNDERS

XXXIV

Virginia's Part in the Revolution

In considering the question whether Virginia, in transferring her allegiance to the Southern Confederacy, was animated by a wanton desire to destroy the Union and defeat the ideals of its founders, it will assist to a more accurate conclusion if we review her part in the making of the Republic and the spirit which moved her people in the day of separation. If she had been conspicuous in the work of establishing the Union and in promoting its growth and glory, then it were more reasonable to ascribe her desire to terminate the association to convictions of duty than to motives capricious or selfish in their origin. If in the day of sectional strife, she pleaded for union and reconciliation, then her presence in the battle which followed was more justly attributed to the inexorable logic of events than to causes of her own initiation.

It is well within the bounds of historic truth to say that Virginia had been pre-eminent among her sister states in fixing the ideals and founding the Republic; that, with unsurpassed devotion, she had contributed of men and treasure to promote its growth and enhance its glory; and that amid the strife and conflicts which preceded the Civil War, she stood a mediator between the hostile sections and an unwearied advocate of reconciliation and peace.

In 1764, when the liberties of the American people were menaced by a Stamp Tax, Virginia was among the first of the colonies to memorialize the King in opposition, and the

only one to address to the House of Commons a remonstrance against the right of that body to enact such legislation.[1]

The Stamp Act caused great opposition throughout America. "But," says John Fiske, "formal defiance came first from Virginia."[2] "The Assembly of Virginia," says J. R. Green, "was the first to formally deny the right of the British Parliament to meddle with internal taxation and to demand the repeal of the act."[3]

In 1765, her House of Burgesses, under the leadership of Patrick Henry, adopted her celebrated resolutions against the Stamp Tax. Only less important than the resolutions themselves was the thrilling arraignment of British usurpation and assaults upon the liberties of America with which the great orator aroused his countrymen. "Thus," says Mr. Bancroft, "Virginia rang the alarm bell for the continent."

In 1768, Virginia applauded Massachusetts for her stand; re-affirmed the position that Parliament had no right to tax the colonies; and directed that these resolutions of her House of Burgesses be communicated to all the colonies with the insistence that they should unite in opposition to every attempt of Great Britain to levy taxes upon the American people.

In 1769, her House of Burgesses again asserted its position in a series of resolutions which Mr. Bancroft declares were "so calm in manner and so perfect in substance that time finds no omission to regret, no improvement to suggest. The menace of arresting patriots lost its terror and Virginia's declaration and action consolidated

[1] *History of the United States*, Bancroft, Vol. III, p. 93.
[2] *The American Revolution*, Fiske, Vol. I, p. 18.
[3] *A Short History of the English People*, J. R. Green, 1883, p. 35.

union."[1] Though dissolved by the Royal Governor because of this action, the members of the body immediately assembled, and under the leadership of Washington, an agreement was entered into providing against the importation of goods from Great Britain until all unconstitutional acts should be repealed.

Resistance to British tyranny continuing unabated, a yearning for union sprang up among all the colonies. "Whether that great idea," says Mr. Bancroft, "should become a reality, rested on Virginia."[2] Her House of Burgesses assembled in March, 1773, when, under the leadership of Dabney Carr, Richard Henry Lee, and Patrick Henry, resolutions were adopted providing for a system of inter-colonial committees of correspondence. "Carr's plan," says Mr. Bancroft, "included a thorough union council throughout the land. If it should succeed and be adopted by the other colonies, America would stand before the world as a confederacy." Copies of these resolutions were sent to every colony, with the request that each would appoint a committee to communicate from time to time with that of Virginia. "In this manner," says Mr. Bancroft, "Virginia laid the foundation of our Union."[3]

In May, 1774, the Virginia House of Burgesses by a resolution called upon their fellow-citizens to set apart the day on which the act closing the port of Boston was to take effect:

"As a day of fasting and prayer, devoutly to implore the divine interposition for averting the dreadful calamity

[1] *History of United States*, Bancroft, Vol. III, p. 347.
[2] *History of United States*, Bancroft, Vol. III, p. 436.
[3] *Idem*, p. 437.

which threatened destruction to their civil rights and the evils of a civil war, and to give to the American people one heart and one mind firmly to oppose, by all just and proper means, every injury to American rights."

Upon the adoption of this resolution, the Royal Governor dissolved the Assembly, but the members immediately met and resolved "that an attack made on one of our sister colonies to compel submission to arbitrary taxes is an attack made on all British America, and threatens ruin to the rights of all unless the united wisdom of the whole be applied."[1] These sentiments of fraternity and union were re-echoed in the words of Washington: "I will raise one thousand men, subsist them at my own expense, and march at their head for the relief of Boston," a declaration soon followed by the march of Virginians under Daniel Morgan to the succor of that besieged city.

Largely as a result of the committees of correspondence created under the Virginia resolutions, the Continental Congress assembled in Philadelphia in September, 1774. Virginia gave to that body its first president, in the person of Peyton Randolph, while Patrick Henry fired the hearts of its members with the spirit of nationalism by the declaration: "British oppression has effaced the boundaries of the several colonies. The distinctions between Virginians, Pennsylvanians, New Yorkers and New Englanders are no more. I am not a Virginian, but an American."

Thus was launched the Revolution—a movement in which, Mr. Bancroft declares: "Virginia rose with as much unanimity as Connecticut or Massachusetts, and with more commanding resolution."[2]

It was Virginia that first, by formal resolution of her

[1] *Idem*, Vol. IV, p. 17.
[2] *History of United States*, Bancroft, Vol. IV, p. 413.

Constitutional Convention, called on the Continental Congress to declare the colonies "free and independent states," absolved from all allegiance to the British crown. Richard Henry Lee submitted the motion to the Congress, and following its adoption, Thomas Jefferson wrote the Declaration of Independence. In the war which followed, Washington commanded the armies of the Revolution and by his incomparable qualities of leadership brought success to the cause.

While bearing her part in maintaining the cause of the colonies in their struggle with the Mother Country, Virginia commissioned and equipped the expedition which under the leadership of her son, George Rogers Clark, conquered the empire of the northwest, an achievement the very romance of daring and valor. Even more important to the cause of union than the conquest was Virginia's action in dedicating the territory to the new confederation, thus cementing the ties and interests of the separate colonies in a vast domain, the common property of the whole.

XXXV

Virginia's Part in Making the Union under the Constitution

When the Revolution had finally triumphed in the battle fought out on her soil, Virginia statesmen were the first to realize the infirmities of the existing government and the need of a system more National in its ideals and powers.

In 1786, her General Assembly adopted resolutions calling for a meeting of representatives from all the states to prepare such amendments to the Articles of Confederation as would enlarge the powers of Congress over commerce,—foreign and domestic. A delegation, with James Madison at its head, was appointed and the first Monday in September, 1786, fixed as the time, and Annapolis as the place, for the assembling of the convention. Representatives from only five states responded to Virginia's appeal, but they issued an address calling for a convention to assemble in Philadelphia on the second Monday in May, 1787, to devise such provisions as would "render the constitution of the Federal Government adequate to the exigencies of the Union." Despite the imminence of the dangers which threatened the country, and the manifest need of a stronger union, the Continental Congress at first refused its sanction to the movement; the Governor of New York denied the need of any action; and the Legislature of Massachusetts formally declined to appoint delegates to the convention.[1]

[1] *History of United States,* Bancroft, Vol. IV, p. 196.

"From this state of despair," says Mr. Bancroft, "the country was lifted by Madison and Virginia. The recommendation of a plenipotentiary convention was well received by the Assembly of Virginia. . . . On the motion of Madison the Assembly gave its unanimous sanction to the recommendation from Annapolis."[1]

Continuing, Mr. Bancroft says: "We come now upon the week glorious for Virginia beyond any event in its annals or in the history of any former republic."[2] Without a dissenting voice, the General Assembly adopted a memorial approving the plan for the Philadelphia Convention, the spirit and purpose of which will appear from the following extract:

"The General Assembly of this commonwealth, taking into view the situation of the confederacy as well as reflecting on the alarming representations made from time to time by the United States in Congress, particularly in their act of the 15th day of February last, can no longer doubt that the crisis is arrived at which the people of America are to decide the solemn question whether they will by wise and magnanimous efforts reap the fruits of independence and of union, or whether by giving way to unmanly jealousies and prejudices or to partial and transitory interests they will renounce the blessings prepared for them by the Revolution. The same noble and extended policy, and the same fraternal and affectionate sentiments which originally determined the citizens of this commonwealth to unite with their brethren of the other states in establishing a Federal Government cannot but be felt with equal force now as motives to lay aside every inferior consideration, and to concur in such further concessions and provisions as may be necessary to secure the objects for which that Government was instituted,

[1] *Idem*, p. 197.
[2] *History of United States*, Bancroft, Vol. IV, p. 197.

and render the United States as happy in peace as they have been glorious in war."[1]

Following the adoption of the foregoing resolution, Virginia commissioned a delegation of her foremost men to represent her at Philadelphia; among them, George Washington, James Madison, George Mason, George Wythe, and Edmund Randolph. Under such inspiring leadership, opposition was allayed, and in the convention which followed, representatives finally gathered from every state except Rhode Island.

Over this convention, George Washington was called to preside. Hesitancy and weakness were banished by his words:

"It is too probable that no plan we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If, to please the people, we are for what we ourselves disapprove, how can we afterward defend our work? Let us raise a standard to which the wise and honest can repair; the event is in the hand of God."[2]

To the convention, Edmund Randolph, then Governor of the commonwealth, presented the "Virginia Plan," which, though amended in many important particulars, was the basis of our present constitution. The scheme of government offered by Governor Randolph was the work of James Madison, and because of his authorship and his great labors in connection with its final preparation and adoption by the several states, he earned the high appellation of "Father of the Constitution."

"The great mind of Madison," says John Fiske, "was one of the first to entertain distinctly the noble conception

[1] *Idem*, p. 198.
[2] *History of United States*, Bancroft, Vol. IV, p. 210.

of two kinds of government, operating at one and the same time, upon the same individuals, harmonious with each other, but each supreme in its own sphere. Such is the fundamental conception of our partly Federal, partly National Government, which appears throughout the Virginia Plan, as well as in the constitution which grew out of it."[1]

Upon the adoption of the constitution and the creation of the office of President, George Washington was called to the discharge of its novel and important duties, and under his leadership, the Republic successfully met the difficulties and dangers of its new career.

Only less important to the National life than the administration of Washington, was that of Jefferson who demonstrated by his rule that the ideals of liberty were not incompatible with the reign of law. Under his leadership the empire of Louisiana extending from the Gulf to the Canadian line was acquired, and the muniments of our title established by the explorations of Meriwether Lewis and William Clark, two more of Virginia's sons.

Under President Madison, the second war with Great Britain was fought, which established the independence of America upon the seas. Under President Monroe, the territory of the Floridas was acquired, and the Doctrine promulgated under which two continents were dedicated to democratic development unawed by the governments of the Old World.

Virginia gave to the Union John Marshall, "second to none among the most illustrious jurists of the English race," according to John Fiske. For thirty-five years, the great Chief Justice presided over the Supreme Court, and by his decisions performed a work of incomparable importance in

[1] *Critical Period of American History*, Fiske, p. 239.

establishing the position and power of that tribunal, and in welding in more indissoluble bonds the Union itself.

Under President Tyler, the empire of Texas was brought into the Union. Scott and Taylor led the armies of the Republic in the war with Mexico, while associated with them was a brilliant group of younger Virginians,—Lee, Jackson, Johnston, Thomas, and others who, by their bravery and leadership, added fresh lustre to American arms.

Where shall we look for the ideals of the Republic if not to the Declaration of Independence, the Ordinance of 1787, and the Constitution, great canons of liberty and union—with which the names of Virginia statesmen are pre-eminently associated? To these may be added Virginia's epoch-making Statute for Religious Freedom and her Bill of Rights, which latter is declared by Mr. Bancroft to be, "the groundwork of American institutions."[1]

While many of her sister states had surpassed Virginia in contributions to art, literature, and science, in commercial and industrial development, her triumphs had been in the realm of statecraft and jurisprudence, on the field of battle, and amid the dangers of the frontier. The achievements of her statesmen, jurists, soldiers and pioneers marked the measure of her pride and the summit of her fame. The making of the Union, maintaining its ideals, and extending its limits, were the noblest monuments of their labors. By statues and memorials, by song and story, by the lawmaker's work and the orator's appeal, Virginians of every generation were stimulated to revere the principles and safeguard the achievements of these illustrious men.

[1] *History of United States*, Bancroft, Vol. IV, p. 416.

With such a past, and with such a part in making the Union, will it be supposed that the Virginians of 1861 pressed forward with wanton hands to destroy the fabric of the Republic and thwart the ideals of its founders? May we not believe that the true sentiments of the dominant element of the state were voiced in the words of John Janney, who, on assuming the Presidency of the Virginia Convention, in 1861, said:

"Causes which have passed, and are daily passing into history, which will set its seal upon them, but which I do not mean to review, have brought the constitution and the Union into imminent peril, and Virginia has come to the rescue. It is what the whole country expected of her—her pride as well as her patriotism, her interest as well as her honor, called upon her with an emphasis she could not disregard to save the monuments of her own glory."[1]

[1] *Journal of Virginia Convention of* 1861, p. 8.

XXXVI

Efforts to Promote Reconciliation and Union

As Virginia had borne a conspicuous part in founding the Union, so, when civil dissensions arose and its integrity was threatened, she was foremost in mediation. At no time were her efforts more earnest than in the troublous days of 1860-61. James Ford Rhodes says: "Virginia, whose share in forming the Union had been greater than that of any other one state, was loath to see that great work shattered, and now made a supreme effort to save it."[1]

Following the announcement of Mr. Lincoln's election, South Carolina seceded and in all the other Cotton States the manifestations of popular sentiment foreshadowed like action. The people of Virginia, though profoundly moved by the considerations which influenced their brethren of the far South, were yet opposed to secession, and proceeded to put forth every effort to avert war, and bring back the Cotton States to their former allegiance.

On the 7th of January, 1861, her General Assembly was called in extra session. Governor Letcher's message set forth the dangers and problems which confronted the state and nation. "The condition of our country at this time," he declared, "excites the most serious fears for the perpetuation of the Union. . . . Surely no people have been blessed as we have been, and it is melancholy to think that all is now about to be sacrificed on the Altar of Passion. If the judgments of men were consulted, if the admonitions

[1] *History of United States*, Rhodes, Vol. III, p. 290.

of their consciences were respected, the Union would yet be saved from overthrow."

While thus expressing devotion to the Union, he yet proclaimed his belief in the legal right of secession. He deplored the precipitate action of South Carolina, declaring that in a movement "involving consequences so serious to all the slaveholding states, no one state should have ventured to move without first having given timely notice to the others of her purpose." He reviewed at length the action of that great element of the Northern people, which, for years, had been unceasing in their assaults upon the constitutional rights of the South on the questions growing out of the existence of slavery. He alluded to the recent messages of the Governors of South Carolina and Mississippi in which the Border States were referred to in no over-friendly terms, and with suggestions of legislative enactments hostile to their interests. "While disavowing," he declared, "any unkind feeling toward South Carolina and Mississippi, I must still say that I will resist the coercion of Virginia in the adoption of a line of policy whenever the attempt is made by Northern or Southern States." He expressed his opposition to the plan for calling a state convention at that time, suggesting that instead the General Assembly should appoint commissioners to visit the Legislatures of such Northern States as had passed laws repugnant to the Federal Constitution, and respectfully urge their immediate repeal; and that in like manner commissioners be sent to the Legislatures of the slaveholding states to ascertain the extent and character of their demands and the action deemed necessary for the protection of their rights and interests.[1]

[1] *Journal of Virginia House of Delegates*, Extra Session, 1861, Document No. 1.

The General Assembly thereupon adopted a series of resolutions inviting all such states of the Union "as are willing to unite with Virginia in an earnest effort to adjust the present unhappy controversies . . . to appoint commissioners to meet on the fourth day of February next, in the City of Washington, similar commissioners appointed by Virginia." The resolutions also provided for the immediate appointment of Ex-President John Tyler as a Commissioner to the President of the United States, and Judge John Robertson as a Commissioner to the State of South Carolina and to any other state that had seceded or might secede, to urge upon them to abstain from any and all acts calculated to produce a collision of arms between such states and the government of the United States, pending the proceedings contemplated by the General Assembly of Virginia.

Ex-President John Tyler, William C. Rives, Judge John W. Brokenbrough, George W. Summers and James A. Seddon were appointed Commissioners from Virginia to the Washington Conference—which became known in history as the Peace Conference.

The sentiments which prompted this movement are doubtless truly expressed in the preamble to the resolutions which declares:

"Whereas, it is the deliberate opinion of the General Assembly of Virginia that unless the unhappy controversy which now divides the states of this Confederacy shall be satisfactorily adjusted, a permanent dissolution of the Union is inevitable, and the General Assembly is desirous of employing every reasonable means to avert so dire a calamity," etc.

Both Houses of the General Assembly, however, adopted by practically unanimous votes resolutions declaring that

the Union, having been formed by the consent of the states, it was repugnant to Republican institutions to maintain it by force; that the government of the Union had no right to make war upon "any of the states which had been its constituent members"; and that with respect to states which have withdrawn or may withdraw from the Union, "we are unalterably opposed to any attempt on the part of the Federal Government to coerce the same into reunion or submission and that we will resist the same by all means in our power."[1]

To the call of Virginia, twenty states responded; and their representatives met on the 4th day of February, 1861, in the City of Washington. It was a notable gathering. Among the prominent members were William P. Fessenden and Lot M. Morrill, of Maine; George S. Boutwell and Charles Allen, of Massachusetts; David Dudley Field, Erastus Corning, William E. Dodge and General John E. Wool, of New York; Robert F. Stockton and Frederick T. Frelinghuysen, of New Jersey; David Wilmot and A. W. Loomis of Pennsylvania; Reverdy Johnson, of Maryland; Thomas Ruffin and J. M. Morehead, of North Carolina; James Guthrie and Charles A. Wicliffe, of Kentucky; Salmon P. Chase, William S. Groesbeck and Thomas Ewing, of Ohio; Caleb B. Smith, of Indiana, and James Harlan, of Iowa.

Mr. Rhodes says: "The historical significance of the Peace Convention consists in the evidence it affords of the attachment of the Border Slave States to the Union."[2]

[1]These resolutions were adopted in the House of Delegates by a vote of one hundred and twelve ayes to five noes. See *Journal Virginia House of Delegates*, Extra Session, 1861, p. 10. In the Senate only one vote was recorded against their adoption.

[2]*History of United States*, Rhodes, Vol. III, p. 307.

Some evidence of the spirit which animated the people of Virginia may be gathered from the speeches of her delegates. John Tyler, on assuming the Presidency of the body, spoke in part as follows:

"The voice of Virginia has invited her co-states to meet her in council. In the initiation of this Government that same voice was heard and complied with, and the resulting seventy-odd years have fully attested the wisdom of the decision then adopted. Is the urgency of her call less great than it was then? Our God-like fathers created! We have to preserve. They have built up through their wisdom and patriotism monuments which have eternized their names. You have before you, gentlemen, a task equally grand, equally sublime, quite as full of glory and immortality; you have to snatch from ruin a grand and glorious Confederation, to preserve the Government and to renew and invigorate the constitution. If you reach the height of this great occasion your children's children will rise up and call you blessed."[1]

In the course of one of his speeches, Ex-Senator Rives said:

"Mr. President, the position of Virginia must be understood and appreciated. She is just now the neutral ground between two embattled legions—between two angry, excited and hostile portions of the Union. Something must be done to save the country, to allay these apprehensions, to restore a broken confidence. Virginia steps in to arrest the progress of the country on its way to ruin. . . . Sir, I have had some experience in revolutions in another hemisphere, in revolutions produced by the same causes that are now operating among us. . . . I have seen the pavements of Paris covered and the gutters running with fraternal blood. God forbid I should see

[1] *Proceedings of Peace Convention*, Crittenden, p. 14.

this horrid picture repeated in my own country—and yet it will be, sir! if we listen to the counsel urged here."[1]

George W. Summers, another of the Virginia delegates, opened his speech to the conference in these words:

"Mr. President! my heart is full! I cannot approach the great issues with which we are dealing, with becoming coolness and deliberation! Sir! I love this Union. The man does not live who entertains a higher respect for this government than I do. I know its history—I know how it was established. There is not an incident in its history that is not precious to me. I do not wish to survive its dissolution."[2]

In contrast to these pathetic appeals of Virginia's representatives were expressions coming from many of her sister states North and South. None of the seven Cotton States sent delegates to the convention. South Carolina declared that "the separation of that state was final and that she had no further interest in the constitution of the United States."[3]

The well-known letter of Senator Zachariah Chandler, of Michigan, written from Washington during the session of the convention to the Governor of his state, is representative of the spirit which dominated one element of the Northern people.

Washington, February 11, 1861.

My dear Governor:

Governor Bingham and myself telegraphed you on Saturday, at the request of Massachusetts and New York, to send delegates to the Peace, or Compromise Congress. They admit that we were right and that they were wrong;

[1] *Proceedings of Peace Convention,* Crittenden, p. 135.
[2] *Idem,* p. 15.
[3] *Causes of Civil War,* Chadwick, p. 270.

that no Republican state should have sent delegates; but they are here and cannot get away. Ohio, Indiana, Rhode Island are caving in and there is danger of Illinois; and now they beg us, for God's sake, to come to their rescue and save the Republican Party from rupture. The whole thing was gotten up against my judgment and advice and will end in thin smoke. Still, I hope as a matter of courtesy to some of our erring brethren that you will send the delegates.

Truly your friend,

Z. CHANDLER.

His Excellency, Austin Blair.

P. S. Some of the manufacturing states think that a fight would be awful. Without a little blood-letting this Union will not, in my estimation, be worth a rush."[1]

The fact that the deliberations of the Peace Conference proved unavailing to arrest the movement towards disunion and civil war is no indication that the motives which impelled the people of Virginia to call their countrymen to council were not those of the highest patriotism.

[1] *Proceedings of Peace Convention*, 1861, p. 468, Crittenden.

XXXVII

The People of Virginia Declare for Union

The General Assembly which issued the call for the Peace Conference also adopted a joint resolution providing for a convention in Virginia to take under consideration the problems and dangers of the hour. By the terms of this act, the people of Virginia were to select delegates to the convention, and were to declare by a separate vote whether the action of that body should be binding upon the commonwealth, or whether it should be referred back to them for ratification or rejection.

Under this call, the people of Virginia repaired to the polls on the 4th of February, 1861. Seldom, if ever, in her history had they been summoned to an election so fraught with importance to the state and the Union. The seven Cotton States had already seceded, and in not one where the question had been formally acted upon had there been a decision against secession. Only two days before, February 2d, the great State of Texas had withdrawn from the Union. Had Virginia at that critical moment declared for a like policy, it is almost certain that the remaining Southern States would have followed her example. In such an event, President Lincoln would on the day of his inauguration have found the Capital of the Union encompassed by the States of Virginia and Maryland, both members of the new Confederation.

With results so important and far reaching to the Union dependent upon her action, the election in Virginia was

held. Opposing candidates presented themselves for the suffrages of the people in each of the one hundred and fifty-two districts; unconditional Secessionists, unconditional Union men and men opposed to secession and favorable to the Union, provided the authorities of the latter did not resort to force to bring back the states which had seceded. From the Ohio River to the sea, from North Carolina to the Pennsylvania line, the people of the commonwealth were stirred by the fervor of the campaign and the magnitude of the issues upon which they were called to pass.

The returns from the ballot box showed that a large majority of the delegates elected were opposed to Virginia's secession, and by a vote of 100,536 to 45,161, the people commanded that the findings of the Convention should be submitted to them for ratification or rejection.

The result of this election was not only of the greatest importance to the Union, but it was a formal declaration to the world that Virginia, on the issues as then made up, refused to secede.

"Thus be it always remembered," says Charles Francis Adams, "Virginia did not take its place in the secession movement because of the election of an anti-slavery President. It did not raise its hand against the National Government from mere love of any peculiar institution, or a wish to protect or perpetuate it. It refused to be precipitated into a civil convulsion; and its refusal was of vital moment. The ground of Virginia's final action was of wholly another nature, and of a nature far more creditable."[1]

The importance of Virginia's position was well appreciated, both by the friends of the Union and by the

[1] *Lee at Appomattox and other Papers*, Adams, p. 403.

advocates of secession. On the day before the election, William H. Seward wrote from Washington: "The election to-morrow probably determines whether all the slave states will take the attitude of disunion. Everybody around me thinks that that will make the separation irretrievable and involve us in a flagrant civil war. Practically everybody will despair." A day or two later, he wrote that the result of the Virginia election had come "like a gleam of sunshine in a storm," and that "at least the danger of conflict, here or elsewhere, before the 4th of March has been averted."[1]

Charles Francis Adams has placed upon record the impressions of the hour.

"Though over forty years ago, I well remember that day—gray, overcast, wintry—which succeeded the Virginia election. Then living in Boston, a young man of twenty-five, I shared—as who did not—in the common deep depression and intense anxiety."

After describing the first receipt of news from the election, Mr. Adams adds: "Virginia, speaking against secession, had emitted no uncertain sound. It was as if a weight had been taken off the mind of every one. The tide seemed turned at last."[2]

James Ford Rhodes says:

"The election in Virginia for members of her State Convention had much significance. The one hundred and fifty-two delegates chosen were, with substantial correctness, classed as thirty so-called Secessionists, twenty Douglas men and one hundred and two Whigs, which proves, asserted the *Richmond Whig*, a journal which

[1] *Lee at Appomattox and Other Papers*, Adams, p. 403.
[2] *Idem*, p. 402.

argued strenuously for delay, that 'the Conservative victory in Virginia is perfectly overwhelming,' the precipitators having sustained 'a Waterloo defeat.'"[1]

The Convention assembled the 13th of February, and the friends of the Union elected to its presidency the venerable John Janney. The spirit and purpose of this dominant element may be gathered from a few extracts in the speech of President Janney, on assuming his position:

"It is now seventy-three years since a convention of the people of Virginia was assembled in this hall to ratify the constitution of the United States, one of the chief objects of which was to consolidate—not the government but the union of the states. Causes which have passed, and are daily passing, into history which will set its seal upon them, but which I do not mean to review, have brought the constitution and the Union into imminent peril, and Virginia has come to the rescue. It is what the whole country expected of her. Her pride, as well as her patriotism; her interest, as well as her honor, called upon her with an emphasis she could not disregard, to save the monuments of her own glory. . . .

"Gentlemen, there is a flag which for nearly a century has been borne in triumph through the battle and the breeze and which now floats over this Capitol, on which there is a star representing this ancient commonwealth, and my earnest prayer, in which I know every member of this body will cordially unite, is that it may remain there forever, provided always that its lustre is untarnished. . . . Is it too much to hope that we, and others who are engaged in the work of peace and conciliation, may so solve the problems which now perplex us as to win back our sisters of the South, who, for what they deem sufficient cause, have wandered from their old orbits?"[2]

[1] *History of United States*, Rhodes, Vol. III, p. 309.
[2] *Journal of Virginia Convention*, 1861, p. 8.

From the day of its opening session down to the 17th of April, the advocates of secession and union confronted each other in debate. Prominent among the Secessionists were Robert L. Montague, Lewis E. Harvie, James P. Holcombe, John Goode and Jeremiah Morton. To this number should be added Ex-President John Tyler, who, upon the failure of the Peace Conference to accomplish its mission, advocated the secession of Virginia.

Foremost among the Union men were John B. Baldwin, George W. Summers, Jubal A. Early, Alexander H. H. Stuart, John S. Carlile, Williams C. Wickham, and the President, John Janney. Among other prominent members of the Convention were William Ballard Preston, Henry A. Wise, Robert Y. Conrad, James C. Bruce, Eppa Hunton, Robert E. Scott, Allen T. Caperton, John Echols, Waitman T. Willey, George W. Randolph and William L. Goggin.

The most potent factor in determining the action of the Convention would be the policy of the incoming Federal administration with respect to the states which had seceded. While a large majority of the Virginia people at the recent election had declared against the secession of their state, yet the organization of the Southern Confederacy had precipitated a problem of extreme delicacy and danger. What would be the attitude of the Federal Government towards these states? If negotiations for their return proved unavailing, would they be permitted to enjoy in peace their new-found independence, or would the Federal Government seek to establish its supremacy over them by force of arms?

Charles Francis Adams alluding to the crisis, says: "So now the issue shifted. It became a question not of slavery, or of the wisdom, or even the expediency of secession, but of the right of the National Government to coerce a

sovereign state. This, at the time, was well understood."[1]

No one acquainted with the historic position of Virginia could doubt what her action would be if called to decide for or against coercion. Would the alternative be presented? President Buchanan, while denying the constitutional right of secession, had submitted to Congress the problem of dealing with the states which had seceded and Congress had taken no action. What would be President Lincoln's position? To his forthcoming inaugural address, the country looked for a definite declaration of his policy and by that declaration the course of Virginia would be determined.

[1] *Lee at Appomattox and Other Papers,* Adams, p. 404.

PART IV

THE ATTEMPT OF THE FEDERAL GOVERNMENT TO COERCE THE COTTON STATES—THE PROXIMATE CAUSE OF VIRGINIA'S SECESSION

XXXVIII

The Coercion of the Cotton States—Virginia's Position

President Lincoln's first inaugural address may be safely reckoned among the most notable of American state papers,both for the purity of diction and the earnest patriotism which pervade it. With a spirit of fraternalism appealing and pathetic, he called upon his countrymen to turn from discord and separation to a new lease of brotherhood and a revival of devotion to the Republic consecrated by the sacrifices and labors of their fathers. The address gave assurance that the Federal Government would respect the rights of the states and individuals in regard to slavery, and that no interest or section would be disturbed in any constitutional right by the incoming administration. Upon the great point, however, as to the policy of the Federal Government in regard to coercing the states which had seceded, the address was held by many to be fairly susceptible of different constructions. Thus the President said:

"I, therefore, consider that in view of the constitution and the laws, the Union is unbroken, and to the extent of my ability I shall take care, as the constitution itself expressly enjoins upon me, that the laws of the Union be faithfully executed in all the states. Doing this I deem to be a simple duty on my part, and I shall perform it so far as practicable unless my rightful masters, the American People, shall withhold the requisite means, or in some authoritative manner direct the contrary."

It must be remembered that at the time these words were uttered the seven Cotton States had withdrawn from the Union; had organized the Southern Confederacy, and that in all the vast region from North Carolina to the Rio Grande, the Confederacy's authority was recognized, except at Fort Sumter and three or four like forts where the flag of the Union still waved. Mr. Lincoln's declaration, therefore, that these states were still in the Union and that he intended to enforce the execution of its laws within their borders was accepted in many quarters as avowing a purpose to coerce these states and their citizens into a recognition of its jurisdiction and authority. Against this construction should be placed other extracts from the address. Thus he said:

"The power confided to me will be used to hold, occupy and possess the property and places belonging to the Government and to collect the duties and imposts; but beyond what may be necessary for these objects there will be no invasion, no using of force, against or among the people anywhere. Where hostility to the United States in any interior locality shall be so great and universal as to prevent competent resident citizens from holding the Federal offices, there will be no attempt to force obnoxious strangers among the people for that object. While the strict legal right may exist in the Government to enforce the exercise of these offices, the attempt to do so would be so irritating and so nearly impracticable withal that I deem it better to forego for the time the uses of such offices."

The declarations of President Lincoln were received with strongly contrasted feelings by the three elements which constituted the membership of the Virginia Convention. The Secessionists hailed his position as foreshadowing Federal coercion which in turn would compel

Virginia's withdrawal from the Union. The unconditional Union men accepted his views as the logical and necessary avowals of his constitutional duty. The conditional Union men, while denying in a measure the correctness of his position, both from a constitutional and ethical standpoint, were yet gratified by the pacific spirit of his address. They counselled moderation on the part of the Convention and clung tenaciously to the hope that some adjustment might be perfected between the authorities of the Union and those of the seceded states and thus the alternative of submitting to coercion or seceding from the Union might never be presented to the people of Virginia. This last element held the balance of power in the Convention. As illustrating their position, it may be well to insert extracts from the speeches of a few of their representative men.

James W. Sheffey, speaking five days before President Lincoln's inauguration, said:

"We love the Union, but we cannot see it maintained by force. They say the Union must be preserved—she can only be preserved through fraternal affection. We must take our place—we can't remain neutral. If it comes to this and they put the question of trying force on the states which have seceded, we must go out. . . . We are waiting to see what will be defined coercion. We wait to see what action the new President will take."[1]

George Baylor, speaking three days before President Lincoln's inauguration, said: "Secession is not a constitutional measure; even if it were, we should delay before using it. Let us stay in the Union where we have always been. Yet, I am opposed to coercion."[2]

[1]See *Richmond Enquirer*, February 28th, 1861.
[2]See *Richmond Enquirer*, March 2d, 1861.

Thomas Branch, speaking the day after President Lincoln's inaugural address, said:

"My heart has been saddened and every patriotic heart should be saddened, and every Christian voice raised to heaven in this time of our trial. After the reception of Mr. Lincoln's inaugural, I saw some gentlemen rejoicing in the hotels. Rejoicing for what, sir? For plunging ourselves and our families, our wives and children in civil war? I pray that I may never rejoice at such a state of things. I pray that I may never have to march to battle to front my enemies. But I came here to defend the rights of Virginia and I mean to do it at all hazards; and if we must go to meet our enemies, I wish to go with the same deliberation, with the same solemnity that I would bend the knee in prayer before Almighty God."[1]

Jubal A. Early, speaking on the same day, said:

"I do not approve of the inaugural of Mr. Lincoln and I did not expect to be able to endorse his policy and I did not think there was a member of this Convention who expected to endorse it; but, sir, I ask the gentleman from Halifax and the gentleman from Prince Edward, if it were not for the fact that six or seven states of this Confederacy have seceded from this Union, if the declarations of President Lincoln that he would execute the laws in all the states would not have been hailed throughout the country as a guarantee that he would perform his duty, and that we should have peace and protection for our property and that the Fugitive Slave Law would be faithfully executed? I ask why is it that we are placed in this perilous condition? And if it is not solely from the action of these states that have seceded from the Union without having consulted our views?"[2]

George W. Brent, speaking on the 8th of March, said:

[1]See *Richmond Enquirer*, March 7th, 1861.
[2]See *Richmond Enquirer*, March 7th, 1861.

"Abolitionism in the North, trained in the school of Garrison and Phillips, and affecting to regard the constitution as 'a league with Hell and a covenant with Death,' has with a steady and untiring hate sought a disruption of this Union, as the best and surest means for the accomplishment of the abolition of slavery in the Southern States. . . . South Carolina and those leading statesmen of the South who have been educated in the philosophy of free trade have likewise with unwearied and constant assiduity pursued their schemes of disunion. Conscious of their inability to effect their schemes within the Union they have sought a disruption of the states. . . .

"In these two schools of political philosophy, Mr. President, I trace all the evils and disastrous troubles which now afflict and disturb our beloved and unhappy land. . . . Recognizing as I have always done, the right of a state to secede, to judge of the violation of its rights and to appeal to its own mode for redress, I could not uphold the Federal Government in any attempt to coerce the seceded states to bring them back in the Union."[1]

The foregoing extracts give some fairly accurate idea of the position of those members of the Convention, who, though looked upon as Union men, yet, when the final test came after President Lincoln called for troops, voted for secession. How close in sympathy with this element were many of the Union men will appear from the following extract from a speech of George W. Summers, who upon the final ballot still voted against secession:

"Where would be the wisdom of passing an ordinance of secession in the face of the known sentiment of a Virginia constituency? The people do not mean to adopt such an ordinance until every available measure of adjustment has been exhausted. Come on then with your plans; and when all fail, the people of the commonwealth will be

[1]See *Richmond Enquirer*, March 9th, 1861.

united from one end to the other. . . . No enlightened statesmanship can compare the secession of states by conventional authority with insurrectionary movements in former times. It is a new and unlooked for condition of things. I am in favor of letting the seceded states alone. The last news gives encouragement to the hope that the troops will soon be withdrawn from Fort Sumter, and time will bring back the states into the common family. It is the duty of Virginia to stand by the Union until the performance of that duty becomes impossible."[1]

[1] *Richmond Dispatch*, March 13th, 1861.

XXXIX

The Contest in the Virginia Convention for and against Secession

For nearly a month and a half after President Lincoln's inauguration, the struggle in the Virginia Convention between the advocates and opponents of secession continued—a contest in which the champions of opposing sides living beyond the state sought to make their influence effective. Mr. Rhodes says: "It is easy to understand why both Davis and Lincoln were so anxious for the adhesion of Virginia. Her worth was measured by the quality as well as the number of her men."[1]

Henry Wilson records in his *Rise and Fall of the Slave Power in America:*

"There was no state concerning whose course there was greater doubt or more anxious solicitude than Virginia. Her size, position, traditional influence and past leadership, with the knowledge that in whichever side of the scale her great weight should be thrown, the fortunes of the threatened conflict would be seriously affected thereby, intensified the anxiety felt."[2]

Commissioners from Alabama, Mississippi and Louisiana appeared before the Convention on different occasions, and with impassioned eloquence, appealed to Virginia to stand with her sisters of the South.

[1] *History of United States,* Rhodes, Vol. III, p. 462.
[2] *The Rise and Fall of the Slave Power in America,* Wilson, Vol. III, p. 138.

Mr. Lincoln's efforts were directed through prominent Union members of the Convention. His great object was to secure an adjournment *sine die* of that body, without the adoption of an ordinance of secession, and without the assurance on his part that no attempt would be made to coerce the Cotton States. John B. Baldwin, a leading Union man in the Convention, was one of its members brought into conference with Mr. Lincoln. On the 6th of April, 1861, Mr. Baldwin went to the White House, where, in response to the President's inquiries, he presented the attitude of the dominant element of the Virginia Convention, and heard the President's appeals and reasonings why that body should immediately adjourn. Mr. Baldwin urged upon Mr. Lincoln the wisdom and necessity of proclaiming to the world that the Federal Government had no intention of coercing the Cotton States: "Only give this assurance," said Mr. Baldwin, "to the country in a proclamation of five lines, and we pledge ourselves that Virginia will stand by you as though you were our own Washington."[1]

How pivotal was the position of the Federal Government with reference to coercion as determining Virginia's action may be gathered not only from the speeches of the members of her Convention, but from other utterances made at the time by her leading men.

Matthew F. Maury, under date of March 4th, 1861, wrote: "Virginia is not at all ready to go out of this Union; and she is not going out for anything that is likely to occur, short of coercion—such is my opinion."[2]

[1]Colonel Baldwin's Interview with Mr. Lincoln, Dabney. *Southern Historical Papers*, Vol. 1, p. 449.

[2]*Life of Matthew F. Maury*, Corbin, p. 186.

George W. Summers, under date of March 19th, 1861, wrote from Richmond:

"The removal from Fort Sumter (alluding to the report that it would be evacuated) acted like a charm—it gave us great strength. A reaction is going on in this state. The outside pressure here has greatly subsided. We are masters of our position here, and can maintain it, if left alone."

The same day he wrote: "What delays the removal of Major Anderson (the officer in charge of Fort Sumter)? Is there any truth in the suggestion that the thing is not to be done after all? This would ruin us."[1]

A fairly accurate estimate of the position of the Virginia Convention may be gathered from the report of its Committee on Federal Relations, and the tentative action of that body with respect to the same. Soon after the organization of the Convention, this committee, consisting of twenty-one members, was appointed, and a rule adopted by which all memorials and proposals relating to the secession of the state, or any of the many questions involved in the pending controversies, should be referred to this committee without debate.

On the 16th of March, the report of the committee was taken up for consideration in the Committee of the Whole Convention. The majority report embodied the views of some two-thirds of the membership of the committee. There were several individual reports, but the views of the minority were expressed in the report signed by Messrs. Montague, Harvie and Williams, which simply recommended the immediate adoption of an ordinance providing for the secession of the state.

[1] *History of United States*, Rhodes, Vol. III, p. 345.

The report of the majority consisted of fourteen sections, and with it was submitted an amendment to the constitution of the United States, which the states of the Union were requested to endorse and make it a part of that instrument. The discussion with respect to this report and the amendment so proposed, continued from the 16th of March to the 15th of April, when before final and complete action by the Convention, the secession of the state was precipitated, under the conditions hereafter described.

The report of the majority is a lengthy document setting forth the attitude of Virginia with respect to the character of the Federal Government—the rights and powers of the latter in the territories, and over the forts, arsenals, etc.—in the states which had seceded, and all the many questions growing out of the contest over slavery.

The maintenance of peace was declared to be the foremost duty of the hour. "Above all things, at this time, they esteem it of indispensable necessity to maintain the peace of the country, and to avoid everything calculated or tending to produce collision and bloodshed," said the report.

The sixth section of the report deplored the present "distracted condition of the country," and expressed the earnest hope, "That an adjustment may be reached, by which the Union may be preserved in its integrity; and peace, prosperity and fraternal feeling be restored throughout the land."

To this section the report of the minority, providing for Virginia's immediate secession, was offered as a substitute; and on the 4th of April the latter was voted down by a recorded vote of forty-five "Yeas" to eighty-nine "Nays," and the section as reported by the majority

adopted by a vote of one hundred and four "Yeas" to thirty-one "Nays."[1]

The eighth section declared:

"The people of Virginia recognize the American principle, that government is founded in the consent of the governed . . . and they will never consent that the Federal power, which is in part their power, shall be exerted for the purpose of subjugating the people of such states (the seceded states) to the Federal authority."

By the eleventh section appeal is made to the states to make response to the position assumed in the resolutions and the proposed amendment to the constitution of the United States, and the warning given that unless satisfactory assurances were forthcoming, Virginia would feel compelled to resume the powers granted by her under the constitution. Time and again the report declares that "any action of the Federal Government tending to produce collision of forces," or any such action on the part of the seceded or confederated states, would be deemed offensive to the state, and greatly to be deplored.

Accompanying this report, as above indicated, was an amendment to the constitution of the United States, the most important features of which dealt with the matter of slavery in the territories, and the institution in the states where it was established by law.

With respect to the first, the amendment provided that in all the territories north of 36 degrees and 30 minutes, slavery should be forever prohibited, and in all the territory south of that line, slavery was to be permitted; any territory, however, south of that line to have the privilege

[1] *Journal of the Committee of the Whole*, Virginia Convention, 1861, pp. 31-43.

to permit or deny slavery by its constitution adopted preliminary to its admission as a state into the Union.

The amendment also provided that no territory should thereafter be acquired by the United States except for naval and other like depots, without the concurrence of a majority of the Senators from the states which "allowed involuntary servitude and a majority of the Senators from the states which prohibited that relation."

The amendment further provided that Congress should never have the power to abolish slavery in the states where it existed, nor in the District of Columbia without the consent of Maryland and Virginia. The slave trade in the District of Columbia and the foreign slave trade were forever prohibited, as was also the custom of bringing slaves into the District of Columbia for the purpose of their sale or distribution to other parts of the country. Congress should provide for the payment to the owner for any fugitive slave whose return was prevented by mobs or intimidation, after his arrest; and the elective franchise and the right to hold office were not to be accorded persons of the African race.[1]

While no final action had been taken upon this report, with the accompanying amendment, by the Convention at the time of Virginia's secession, yet the votes taken in the Committee of the Whole on the various paragraphs of the report indicated that had not Virginia's secession been precipitated, the report would have been adopted by the body in substantially the form in which it came from the Committee on Federal Relations.

What would have been the attitude of the other states

[1]See Report of the Committee on Federal Relations, with accompanying exhibits in the Appendix of the *Journal of the Virginia Convention*, 1861.

to the amendment to the constitution so proposed, must, of course, be a matter of conjecture, but the adoption by Congress, though controlled by the Republican Party, of the joint resolution providing for an amendment which should forever prohibit Congress from interfering with slavery in the states where it existed, and the enactment of the statute organizing the territories of Dakota, Colorado and Nevada without prohibition as to slavery, would seem to indicate that the principal provisions of the amendment proposed by Virginia would have met the approval of the requisite number of the states.

As above indicated, the crucial point, with the group holding the balance of power in the Convention, was the position of the Federal Government upon the question of coercing the Cotton States. The employment of force to compel three millions of people to submit to a government not of their own choice, was at war with the Declaration of Independence and repugnant to thousands of the American people North as well as South. That the Federal Government would have been sustained in a bald invasion of the Southern States, may well be questioned. The situation, however, was not quite so embarrassing for the Government. Many of these states had formally ceded to the Union jurisdiction over parcels of land within their respective limits, upon which had been erected forts, post offices or custom houses. These constituted coigns of vantage, where the rights of the Federal Government were of a dignity higher, or at least more manifest, to the popular mind, than those rights which obtained over the whole area of the states or their citizens. Thus in the great drama of diplomacy and play for position which preceded the Civil War, the rights of the nation and of the states in these forts and buildings became

matters of imminent moment. When South Carolina seceded, Fort Moultrie was occupied by Federal soldiers. She appointed commissioners to negotiate with the authorities at Washington for the withdrawal of the troops, and the settlement of all questions with respect to the fort and other like properties in the state. Later these troops were transferred by the Federal authorities to Fort Sumter. Upon the organization of the Southern Confederacy, commissioners from it were substituted for those appointed by South Carolina. President Lincoln refused to recognize the Southern Confederacy, or to treat with its representatives. Negotiations, however, semi-official in character, were instituted, and upon the reports which went out from these conferences men gauged the chances of peace or war. If Fort Sumter were evacuated, the prospects of peace would be enhanced. If the Federal Government should decide to hold the fort, and provision and strengthen its garrison, then war would be imminent. Upon these contingencies, stocks rose and fell, and the friends of peace took hope or lost heart.

XL

The Contest in the Virginia Convention for and against Secession (Concluded)

On the 8th of April, the Virginia Convention adopted the following resolution:

"WHEREAS, in the opinion of this Convention the uncertainty which prevails in the public mind as to the policy which the Federal Executive intends to pursue towards the seceded states is extremely injurious to the industrial and commercial interests of the country, tends to keep up an excitement which is unfavorable to the adjustment of pending difficulties, and threatens a disturbance of the public peace; therefore,

"RESOLVED, That a committee of three delegates be appointed by this Convention to wait upon the President of the United States and present to him this Preamble and Resolution, and respectfully ask him to communicate to this Convention the policy which the Federal Executive intends to pursue in regard to the Confederate States."[1]

William Ballard Preston, Alexander H. H. Stuart and George W. Randolph were unanimously elected members of the committee thus created.

That this action of the Virginia Convention was not hypercritical, that grave doubts actually existed as to the position of the Federal Government, is a fact of contemporary history. Writing from Washington, March 16, 1861, to Ex-President Buchanan, Edwin M. Stanton said:

[1] *Journal of Virginia Convention*, 1861, p. 143.

"Every day affords proof of the absence of any settled policy or harmonious concert of action in the Administration. Seward, Bates and Cameron form one wing; Chase, Welles, Blair, the opposite wing; Smith is on both sides and Lincoln sometimes on one, sometimes on the other. There has been agreement in nothing."[1]

W. H. Russell, the well-known correspondent of the *London Times*, notes in his diary under date of March 23d: "The Government (of the United States) appears to be helplessly drifting with the current of events, having neither bow nor stern, neither keel nor deck, neither rudder, compass, sails nor steam."[2]

On the 1st of April, Secretary Seward presented to the President his now famous memorandum, "Some thoughts for the President's consideration," the opening paragraph of which recited: "First. We are at the end of a month's administration, and yet without a policy either foreign or domestic."[3]

On the 15th of April, the Committee of the Virginia Convention appointed to wait on the President submitted its report. It recited that because of violent and protracted storms they had not reached Washington until the 12th; that agreeable to the wishes of the President they appeared before him on the 13th and presented the resolution; and that the President thereupon read to them a paper which embodied his response to the Convention.

In his reply, Mr. Lincoln stated that having, in his inaugural address, defined his intended policy, it was

[1] *Life of James Buchanan*, Curtis, Vol. II, p. 534.
[2] *My Diary, North and South*, Russell, Vol. I, p. 37.
[3] *Speeches, Letters and State Papers of Abraham Lincoln*, N. & H., Vol. II, p. 29.

with deep regret and some mortification that he now learned that there was great and injurious uncertainty as to what that policy was; he commended a careful consideration of the document as the best expression he could give of his purpose. Continuing, he said:

"As I then and therein said, I now repeat, 'The power confided to me will be used to hold, occupy, and possess the property and places belonging to the Government and to collect the duties and imposts; but beyond what is necessary for these objects there will be no invasion, no using of force against or among the people anywhere.'"

Continuing, the President said:

"But if, as now appears to be true, in pursuance of a purpose to drive the United States authority from these places an unprovoked assault has been made upon Fort Sumter, I shall hold myself at liberty to repossess if I can like places which had been seized before the Government was devolved upon me.

"And, in any event, I shall to the extent of my ability repel force by force.

"In case it proves true that Fort Sumter has been assaulted as reported, I shall perhaps cause the United States mails to be withdrawn from all the states which claim to have seceded, believing that the commencement of actual war against the Government justifies and possibly demands it."[1]

What effect this reply of the President would have had upon the Virginia Convention it is impossible to say, for on the day of its presentation to that body came the news of his proclamation calling for an army of seventy-five thousand men.

The proclamation recited that the laws of the United

[1] *Journal of Virginia Convention*, 1861, Document No. XVII.

States were opposed and their execution obstructed in the states of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana and Texas, "by combinations" too powerful to be suppressed by the ordinary course of judicial proceedings.

The militia thus called for was apportioned among the several states (except the seven forming the Southern Confederacy) and their governors were requested to furnish forthwith their respective quotas. Despite the somewhat ambiguous character of this proclamation, men everywhere believed that the attempt was now to be made to re-establish by force of arms the supremacy of the National Government over the states of the Southern Confederacy, and that to every commonwealth was presented the solemn alternative of bearing a part for or against this movement.

President Lincoln justified the immediate issuance of his proclamation because of what he termed the unprovoked attack on Fort Sumter and the wanton insult thus offered the honor and dignity of the nation. On the other hand, it was insisted that his action in breaking off the negotiations, having for their object the peaceful adjustment of all questions relating to Fort Sumter, his notice to the Governor of South Carolina that its garrison would be provisioned, and the arrival off the harbor of Charleston of the Relief Squadron charged with that mission, not only precipitated the conflict, but justified the inauguration by the Southern Confederacy of what would have been, under other circumstances, offensive measures. Had the authorities of the Confederacy been more thoughtful of their interests than their rights, or taken counsel of their caution rather than of their courage, they might have permitted the naval expedition to provision Fort Sumter

and reinforce its garrison with men and munitions of war. Such, however, was not the temper and fibre of that people. They met what they deemed a second invasion of their country just as they did four months before, when they fired upon the "Star of the West" in the first attempt to relieve the Fort.

Alexander H. Stephens, Vice-President of the Confederacy, in his work *The War Between the States*, presents the position of his Government with respect to the matter as follows:

"I maintain that it (the war) was inaugurated and begun though no blow had been struck, when the hostile fleet, styled the 'Relief Squadron,' with eleven ships carrying two hundred and eighty-five guns and two thousand four hundred men, was sent out from New York and Norfolk, with orders from the authorities at Washington to reinforce Fort Sumter, peaceably, if permitted, but forcibly, if they resist."

The action of the Virginia Convention was quick and decisive. On the 17th of April, an ordinance was adopted providing for Virginia's secession from the Union and submitting this action of the Convention to the people for ratification or rejection at a special election to be held on the 23d of May. In the Convention the tentative ordinance was passed by a vote of eighty-eight ayes to fifty-five noes (nine not voting), and before the people a month later it was confirmed by a vote of 128,884 against 32,134. Mr. Rhodes records that, in the concluding hours of the Convention, strong men spoke for or against secession, with sorrowful hearts and in voices trembling with emotion.[1]

[1] *History of United States*, Rhodes, Vol. III, p. 386.

This action of the Convention was the logical and inevitable result of the President's proclamation. There had never been any doubt as to Virginia's position. With all her loyalty to the Union, she had repeatedly declared in the most authoritative manner, her opposition to the coercion of the Cotton States and her determination to resist such a policy.

To the requisition upon Virginia for her quota of troops Governor Letcher made reply to the Secretary of War:

"I have only to say that the militia of Virginia will not be furnished to the powers at Washington for any such use or purpose as they have in view. Your object is to subjugate the Southern States and the requisition made upon me for such an object—an object in my judgment not within the purview of the constitution or the act of 1795, will not be complied with. You have chosen to inaugurate civil war; and having done so we will meet you in a spirit as determined as the Administration has exhibited toward the South."[1]

The Governors of Kentucky, Missouri, Arkansas, Tennessee and North Carolina returned like answers to the requisitions of the Federal authorities for troops.

Mr. Henderson, the English writer, in his work from which we have heretofore quoted, says with reference to Virginia's position:

"So far Virginia had given no overt sign of sympathy with the revolution. But she was now called upon to furnish her quota of regiments for the Federal Army. To have acceded to the demands would have been to abjure the most cherished principles of her political existence. . . . Neutrality was impossible. She was bound to furnish her tale of troops and thus belie her principles; or

[1] *American Conflict*, Greeley, Vol. I, p. 459.

secede at once and reject, with a clean conscience, the President's mandate. If the morality of secession may be questioned, if South Carolina acted with undue haste and without sufficient provocation, if certain of the Southern politicians desired emancipation for themselves, that they might continue to enslave others, it can hardly be denied that the action of Virginia was not only fully justified, but beyond suspicion. . . . "[1]

[1] *Stonewall Jackson*, Henderson, Vol. I, p. 122.

XLI

The Attempted Reinforcement of Fort Sumter and its Significance

The relative responsibility for the collision at Fort Sumter we are not concerned to consider except in so far as it may have affected the action of Virginia in withdrawing from the Union. The charge is often heard, that, despite Virginia's professed love for the Union, and her efforts to maintain the peace, she made haste to unite her fortunes with the Southern Confederacy because of this assault by its soldiers upon Fort Sumter. It would seem a most illogical conclusion to all her unquestioned efforts if she were thus led to espouse the cause of the Confederacy and to gird herself for battle by reason of the happening of the very event she had striven so earnestly to avert. It was not the assault upon Fort Sumter, however momentous in its potency, which impelled Virginia, but the proclamation of President Lincoln which followed. The proclamation was the proximate cause of her secession, though her action was stimulated by the previous course of the Federal authorities with respect to the Fort. The people of Virginia regarded the policy of the Administration as characterized by a disregard for the peace of the country, a play for position ill-befitting a great nation at such a solemn crisis. Much has been written in defense of that policy. In support of Virginia's arraignment, the sentiments of Mr. Lincoln's Cabinet ministers may be quoted. Three weeks previous to the

issuance of the orders for the relief of Fort Sumter, five of its seven members recorded their opposition and the considerations of prudence and patriotism which impelled them to their position.

On the 15th of March, 1861, President Lincoln submitted the following request in writing to each member of his Cabinet:

"*My dear Sir:*

"Assuming it to be possible to now provision Fort Sumter, under all the circumstances is it wise to attempt it? Please give me your opinion in writing on this question.

Your obedient servant,

A. LINCOLN."[1]

Secretary Seward, in the course of an extended reply, wrote:

"If it were possible to peaceably provision Fort Sumter, of course, I should answer that it would be both unwise and inhuman not to attempt it. But the facts of the case are known to be that the attempt must be made with the employment of military and marine force which would provoke combat and probably initiate a civil war which the Government of the United States would be committed to maintain, through all changes, to some definite conclusion." . . .

Continuing, Mr. Seward said:

"Suppose the expedition successful, we have then a garrison in Fort Sumter that can defy assault for six months. What is it to do then? Is it to make war by opening its batteries to demolish the defenses of the Carolinians? Can it demolish them if it tries? If it cannot, what is the advantage we shall have gained? If it can, how will it serve to check or prevent disunion? In

[1] *Abraham Lincoln, Speeches, Letters and State Papers*, N. & H., Vol. II, p. 11.

either case, it seems to me, that we will have inaugurated a civil war by our own act, without an adequate object, after which reunion will be hopeless, at least under this Administration or in any other way than by a popular disavowal both of the war and of the Administration which unnecessarily commenced it. Fraternity is the element of union; war the very element of disunion." . . .

In conclusion, he said: "If this counsel seems to be impassive and even unpatriotic, I console myself by the reflection that it is such as Chatham gave to his country under circumstances not widely different."[1]

Secretary Cameron wrote he would advise such action if he "did not believe the attempt to carry it into effect would initiate a bloody and protracted conflict."[2]

Secretary Welles wrote:

"By sending or attempting to send provisions into Fort Sumter, will not war be precipitated? It may be impossible to escape it under any course of policy that may be pursued, but I am not prepared to advise a course that would provoke hostilities. . . . I do not, therefore, under all the circumstances, think it wise to provision Fort Sumter."[3]

Secretary Smith wrote:

"The commencement of civil war would be a calamity greatly to be deplored and should be avoided if the just authority of the Government may be maintained without it. If such a conflict should become inevitable, it is much better that it should commence by the resistance of the authorities or the people of South Carolina to the legal

[1] *Idem*, pp. 11 and 14.
[2] *Idem*, p. 17.
[3] *Abraham Lincoln, Speeches, Letters and State Papers*, N. & H., Vol. II, p. 18.

action of the Government in enforcing the laws of the United States. . . .

"If a conflict should be provoked by the attempt to reinforce Fort Sumter, a divided sentiment in the North would paralyze the arm of the Government, while the treason in the Southern States would be openly encouraged in the North. . . . I, therefore, respectfully answer the inquiry of the President by saying that in my opinion it would not be wise, under all the circumstances, to attempt to provision Fort Sumter."[1]

Attorney General Bates wrote:

"I am unwilling, under all the circumstances, at this moment, to do any act which may have the semblance before the world of beginning a civil war, the terrible consequence of which would, I think, find no parallel in modern times. . . . For these reasons, I am willing to evacuate Fort Sumter, rather than be an active party in the beginning of civil war. . . . Upon the whole I do not think it wise now to attempt to provision Fort Sumter."[2]

Postmaster General Blair and Secretary Chase united in the opinion that it would be wise to make the effort to provision Fort Sumter.

Mr. Blair wrote:

"I believe that Fort Sumter may be provisioned and relieved by Captain Fox with but little risk; and General Scott's opinion that, with its war complement, there is no force in South Carolina which can take it, renders it almost certain that it will not then be attempted. This would completely demoralize the rebellion. . . . No expense nor care should therefore be spared to achieve this success."[3]

[1] *Idem*, pp. 19 and 20.
[2] *Idem*, p. 22.
[3] *Idem*, p. 21.

Secretary Chase wrote:

"A correct solution must depend, in my judgment, on the degree of possibility, on the combination of reinforcement with provisioning and on the probable effects of the measure on the relations of the disaffected states to the National Government.

"I shall assume what the statements of the distinguished officers consulted seem to warrant, that the possibility of success amounts to a reasonable degree of probability; and also that the attempt to provision is to include an attempt to reinforce; for it seems to be generally agreed that the provisioning without reinforcements notwithstanding hostile resistance, will accomplish no substantially beneficial purpose.

"The probable political effects of the measure allow room for much fair difference of opinion, and I have not reached my own conclusion without much difficulty."

The Secretary then proceded to declare, that, if such a step would produce civil war, he could not advise in its favor, but that, in his opinion, such a result was highly improbable, especially if accompanied by a proclamation from the President reiterating the sentiments of his inaugural address. "I, therefore," concluded Mr. Chase, "return an affirmative answer to the question submitted to me."[1]

It will be seen, from the foregoing extracts, that five of the seven members of the Cabinet concurred in the opinion that no attempt should be made to provision or reinforce Fort Sumter, and that such an attempt would in all probability precipitate civil war. As Mr. Seward expressed it: "We will have inaugurated a civil war by our own act without an adequate object"; or in the language of Secre-

[1] *Abraham Lincoln, Speeches, Letters and State Papers,* N. & H.; Vol. II, pp. 14 and 15.

tary Welles, "By sending or attempting to send provisions into Fort Sumter, will not war be precipitated? . . . I am not prepared to advise a course that would provoke hostilities."

If such were the opinions of leading members of President Lincoln's Cabinet, expressed in confidential communications to their chief, as to the character of the proposed action, can it be deemed unreasonable that the people of Virginia held similar views?

Fourteen days later, the President made a verbal request to his Cabinet for an additional expression of their views upon the same subject. Seward and Smith adhered to their former opinions. Chase and Blair were joined by Welles. Bates was noncommittal, and no reply was made by Cameron, so far as the records show.

In the light of the facts and arguments presented by the members of the President's Cabinet, men, not a few, will conclude that, if the explosion occurred at Fort Sumter, the mine was laid at Washington.

XLII

The Attempt to Coerce the Cotton States Impels Virginia's Secession

James Ford Rhodes in his history of the United States, referring to the eventful year of 1861, says:

"There were at this time in the Border States of Virginia, Maryland, Kentucky and Missouri unconditional Secessionists and unconditional Union men; but the great body of the people, although believing that the wrongs of the South were grievous and cried for redress, deemed secession inexpedient. . . . All denied either the right or the feasibility of coercion."[1]

What was the pith and potency of this anti-coercion sentiment among the people of Virginia?

There were two distinct schools of thought and yet both denied the right of the Federal Government to coerce the people of the Cotton States.

One school believed in the constitutional right of a state to secede: the Union was formed by the constitution—which was a compact between independent sovereignties; the powers of the Union were those and only those delegated to it by the states; the states never surrendered their sovereignty, nor their right to withdraw from the Union for what they deemed sufficient cause. This, in brief, was the position of the school which maintained the constitutional right of a state to secede.

The other school while denying the constitutionality

[1] *History of the United States,* Rhodes, Vol. III, p. 214.

of secession, yet held that the Federal Government could not reduce to submission a people as numerous as those of the Cotton States, without doing violence to the principles, ethical and political, upon which the Union was founded. This in brief was the position of those who maintained the revolutionary right of the people of the seceded states to fix their own form of government unawed by any outside power.

It is not within the purview of our allotted task to vindicate or even investigate the constitutional right of a state, or of the Cotton States, to secede from the Union, or to accomplish the same end through the right of revolution as inherent in their people. Our discussion is here limited to a consideration of the strong anti-coercion sentiments among the Virginia people, and how these convictions ultimately controlled their action on the question of the secession of their state. It will suffice to say that whether regarded as a constitutional or a revolutionary right, or both combined, the people of Virginia held that the Cotton States, having deliberately and with almost unexampled unanimity, decided to dissolve the political relations which formerly existed between them and their sister commonwealths, that with respect to the legal and ethical character of this action there was no competent court of review this side of the judgment seat of Heaven. The wisdom of their secession might be denied, the morality of their action might be questioned, the disastrous consequences to the Union might be admitted, but still no right existed in any body of men to invade their country and defeat their aspirations by the sword.

Had not a people as numerous and united as those of the Cotton States the inherent right, in the language of the

Declaration of Independence, "To assume among the powers of the earth the separate and equal station to which the laws of Nature and Nature's God entitled them?" Were the just powers of governments derived from the consent of the governed? To the Virginians of 1861 it was a solecism to accord to one body of people a right, and yet acknowledge in another the equal right to defeat its exercise. It was an anachronism to talk in America, after the Declaration of Independence and the war with Great Britain, about the right of self-government in three millions of people as being dependent upon force. This was acknowledged before Samuel Adams and Thomas Jefferson were born, and before the Patriots had made good their great avowals by their heroic struggles from Concord to Yorktown. Force, Virginia insisted, was not the method of holding great masses of American freemen in unwilling association with their fellows; nor the implements of war, the legitimate means for determining great questions of legal and ethical right.

Jefferson Davis, in his farewell address to the United States Senate, expressed the sentiments of Virginia upon this point when he said:

"Now, sir, we are confusing language very much. Men speak of revolution; and when they say revolution, they mean blood. Our fathers meant nothing of the sort. When they spoke of revolution, they meant an inalienable right. When they declared as an inalienable right, the power of the people to abrogate and modify their form of government whenever it did not answer the ends for which it was established, they did not mean that they were to sustain that by brute force. . . . Are we, in this age of civilization and political progress . . . are we to roll back the whole current of human thought and again to return to the mere brute force which prevails between

beasts of prey as the only method of settling questions between men? . . .

"Is it to be supposed that the men who fought the battles of the Revolution for community independence, terminated their great efforts by transmitting posterity to a condition in which they could only gain those rights by force? If so, the blood of the Revolution was shed in vain; no great principles were established; for force was the law of nature before the battles of the Revolution were fought."[1]

Such was the attitude of the great body of the Virginia people. That no new principle was asserted to meet the exigencies of the hour, all acquainted with the history of the state will readily appreciate. Even men who denied the constitutional right of secession, joined with those who believed in that right in opposing coercion.

Robert E. Lee, writing on the 23d of January, 1861, said:

"Secession is nothing but revolution. The framers of our constitution never exhausted so much labor, wisdom and forbearance in its formation and surrounded it with so many guards and securities if it was intended to be broken by every member of the Confederacy at will. . . .

"Still a Union that can only be maintained by swords and bayonets and in which strife and civil war are to take the place of brotherly love and kindness, has no charm for me. If the Union is dissolved and the Government disrupted I shall return to my native state and share the miseries of my people—and save in defense will draw my sword on none."[2]

William C. Rives, speaking on the 19th of February, 1861, in the Peace Conference at Washington, as one of the Commissioners from Virginia, said:

[1] *Rise and Fall of the Confederate Government*, Vol. 1, p. 617.
[2] *Memoirs of Robert E. Lee*, Long, p. 88.

"I condemn the secession of states, I am not here to justify it. I detest it, but the fact is still before us. Seven states have gone out from among us and a President is actually inaugurated to govern the new Confederacy. . . . Force will never bring them together. Coercion is not a word to be used in this connection."[1]

George Baylor, speaking on the 1st of March 1861, in the Virginia Convention, said:

"I have said, Mr. President, that I did not believe in the right of secession. But whilst I make that assertion, I also say that I am opposed to coercion on the part of the Federal Government with the view of bringing the seceded states back into the Union. . . . I am opposed to it first because I can find no authority in the Constitution of the United States delegating that power to the Federal Government, and second because if the Federal Government had the power it would be wrong to use it."[2]

The foregoing sentiments were not confined to the Virginia people, either of the Revolutionary or Civil War periods. A few deliverances by men of international reputation made during the three decades preceding the Civil War will serve to illustrate the truth of this suggestion:

M. de Tocqueville, in his work, *Democracy in America*, discussing the subject, says:

"However strong a government may be, it cannot easily escape from the consequences of a principle which it has once admitted as the foundation of its constitution. The Union was formed by the voluntary agreement of the states; and in uniting together they have never forfeited their nationality nor have they been reduced to the condition of one and the same people. If one of the

[1] *Proceedings of Peace Convention*, Crittenden, p. 136.
[2] See *Richmond Enquirer*, March 2d, 1908.

states chose to withdraw its name from the contract, it would be difficult to disprove its right of doing so; and the Federal Government would have no means of maintaining its claims directly, either by force or by right."[1]

Lord Brougham in his *Political Philosophy*, alluding to the unique character of the government created by the constitution of the United States, writes:

"There is not, as with us, a government only and its subjects to be regarded; but a number of governments, of states, having each a separate and substantive, and even independent existence, originally thirteen now six and twenty, and each having a Legislature of its own with laws differing from those of the other states. It is plainly impossible to consider the constitution which professes to govern this whole Union, this federacy of states, as anything other than a treaty."[2]

John Quincy Adams, speaking before the New York Historical Society in 1839, on the fiftieth aniversary of Washington's inauguration as President of the United States, said:

"To the people alone there is reserved as well the dissolving as the constituent power and that power can be exercised by them only under the tie of conscience binding them to the retributive justice of Heaven.

"With these qualifications we may admit the right as vested in the people of every state of the Union with reference to the General Government which was exercised by the people of the United Colonies with reference to the supreme head of the British Empire of which they formed a part and under these limitations have the people of each state of the Union a right to secede from the Confederated Union itself."[3]

[1] *Democracy in America*, de Tocqueville, Vol. II, p. 257.
[2] *Political Philosophy*, Brougham, 1849, part 3, p. 336.
[3] *Buchanan's Administration*, Buchanan, p. 98.

Mr. Lincoln, speaking on the 12th of January, 1848, in Congress, said:

"Any people anywhere being inclined and having the power have the right to rise up and shake off the existing government, and form a new one that suits them better. This is a most valuable, most sacred right, a right which we hope and believe is to liberate the world. Nor is this right confined to cases in which the whole people of an existing government may choose to exercise it. Any portion of such people that can may revolutionize and make their own any or so much of the territory as they inhabit."[1]

Probably Mr. Gladstone expressed in the briefest possible compass the general consensus of the Virginia people, when on the 24th of April, 1862, in his Manchester speech, referring to the attitude of the Federal Government and the Northern people, he said: "We have no faith in the propagation of free institutions at the point of the sword."[2]

Scarcely less pronounced were the sentiments of many prominent Americans expressed just before the outbreak of the Civil War with reference to the moral or political right of the Federal Government or the Northern people to coerce the Southern States.

Horace Greeley, in the issue of the *New York Tribune* of November 9th, 1860, discussing the contemplated secession of the Cotton States, wrote:

"If the Cotton States shall decide that they can do better out of the Union than in it, we insist on letting them go in peace. The right to secede may be a revolutionary one but it exists nevertheless; and we do not see

[1] *Abraham Lincoln, Speeches, Letters and State Papers,* N. & H., Vol. I, p. 105.

[2] *History of the United States,* Rhodes, Vol. IV, p. 80.

how one party can have a right to do what another party has a right to prevent."[1]

Again he wrote:

"If it (the Declaration of Independence) justified the secession from the British Empire of three millions of colonists in 1776, we do not see why it would not justify the secession of five millions of Southerners from the Federal Union in 1861. If we are mistaken on this point why does not some one attempt to show wherein and why (?)"[2]

On the 23d of February, 1861, he wrote:

"We have repeatedly said and we once more insist that the great principle embodied by Jefferson in the Declaration of American Independence that governments derive their just powers from the consent of the governed is sound and just; and that if the Slave States, the Cotton States, or the Gulf States only, choose to form an independent nation they have a clear moral right to do so."[3]

President Buchanan, in his message to Congress on the 3d of December, 1860, said:

"The fact is that our Union rests upon public opinion and can never be cemented by the blood of its citizens shed in civil war. If it cannot live in the affections of the people it must one day perish. Congress possesses many means of preserving it by conciliation; but the sword was not placed in their hands to preserve it by force."

Edward Everett, writing on the 2d of February, 1861, to the Union Meeting called to assemble at Faneuil Hall, said:

[1] *History of the United States*, Rhodes, Vol. III, p. 140.
[2] *Life of James Buchanan*, Curtis, Vol. II, p. 430.
[3] *Idem.*

"To expect to hold fifteen states in the Union by force is preposterous. The idea of a civil war, accompanied, as it would be, by a servile insurrection, is too monstrous to be entertained for a moment. If our sister states must leave us, in the name of Heaven, let them go in peace."[1]

Wendell Phillips, speaking at New Bedford, Mass., on the 9th of April, 1861, said:

"But I am sorry that a gun should be fired at Fort Sumter or that a gun should be fired from it for this reason: The administration at Washington does not know its time. Here are a series of states girding the Gulf who think that their peculiar institutions require that they should have a separate government. They have a right to decide that question without appealing to you or me. A large body of people, sufficient to make a nation, have come to the conclusion that they will have a government of a certain form. Who denies them the right? Standing with the principles of '76 behind us, who can deny them the right?"[2]

Abraham Lincoln, speaking on the 15th of November, 1860, said:

"My own impression is, leaving myself room to modify the opinion, if, upon further investigation, I should see fit to do so, that this Government possesses both the authority and the power to maintain its own integrity. That, however, is not the ugly point of this matter. The ugly point is the necessity of keeping the Government together by force as ours should be a Government of fraternity."[3]

On the 10th of April, 1861, only five days previous to the call for seventy-five thousand soldiers, Mr. Seward, as

[1] *Origin of the Late War*, Lunt, 1816, p. 431.
[2] *History of Massachusetts in Civil War*, Schouler, Vol. I, p. 45.
[3] *Abraham Lincoln, A History*, N. & H., Vol. III, p. 247.

Secretary of State, in an official communication to the American Minister to Great Britain, wrote:

"For these reasons he (the President) would not be disposed to reject a cardinal dogma of theirs (the Secessionists), namely, that the Federal Government could not reduce the seceding states to obedience by conquest, even though he were disposed to question that proposition. But, in fact, the President willingly accepts it as true. Only an imperial or despotic government could subjugate thoroughly disaffected and insurrectionary members of the state. This Federal Republican system of ours of all forms of government is the very one which is most unfitted for such labor."[1]

Such were some of the deliverances of prominent Americans in the days immediately preceding the Civil War. They expressed the sentiments of leading Virginians of the time and explained and vindicated their position in resisting the policy of coercion adopted by the Federal Government. Why was it that in the supreme hour Greeley and Seward and Lincoln, and all their notable compatriots, parted company with Virginia?

Charles Francis Adams says:

"Virginia, as I have said, made state sovereignty an article—a cardinal article—of its political creed. So logically and consistently it took the position that though it might be unwise for a state to secede, a state which did secede could not and should not be coerced.

"To us now this position seems worse than illogical. It is impossible. So events proved it then. Yet, after all, it is based on the fundamental principle of the consent of the governed; and in the days immediately preceding the Civil War something very like it was accepted as an article of correct political faith by men afterwards as strenuous

[1] *Diplomatic Correspondence*, 1861, p. 58.

in support of a Union re-established by force as Charles Sumner, Abraham Lincoln, William H. Seward, Salmon P. Chase, and Horace Greeley. The difference was that confronted by the overwhelming tide of events, Virginia adhered to it; they, in presence of that tide, tacitly abandoned it."[1]

[1] *Lee at Appomattox and Other Papers*, C. F. Adams, 1902, p. 403-4.

XLIII

Conclusion

The crisis arose and thus was precipitated Virginia's secession. To many of her people it came as a long hoped for event. They rejoiced that Virginia was now to enter upon a more inspiring career untrammelled by associates divergent in sentiments and hostile in interests. They hailed the rise of the Southern Confederacy as a new nation born into the world, and with eager hearts looked forward to a future which should bring to the people of Virginia and the South a measure of self-government, peace and prosperity they had never known before.

To the majority, however, of the Virginia people the event came as one long dreaded and much to be deplored. They met it with a firm adherence to the principles so often declared, but with profound regret that the occasion had arisen which rendered their assertion imperative.

The pathos no less than the determination which marked the hour may be read in the contemporary utterances of her foremost men.

Her Governor, John Letcher, in his message to the General Assembly, January 1861, said:

"Surely no people have been blessed as we have been, and it is melancholy to think that all is now about to be sacrificed on the Altar of Passion. If the judgments of men were consulted, if the admonitions of their consciences were respected, the Union would yet be saved from overthrow."

Three months later, however, in response to the call for Virginia's quota of troops, he wrote to the authorities at Washington: "You have chosen to inaugurate civil war; and, having done so, we will meet you in a spirit as determined as the Administration has exhibited toward the South."

Robert E. Lee, anticipating the event, in January, 1861, wrote:

"I shall mourn for my country and for the welfare and progress of mankind. If the Union is dissolved and the Government disrupted, I shall return to my native state and share the miseries of my people, and, save in defense, will draw my sword on none."[1]

Three months later, in accepting the command of Virginia's army of defense, he said: "Trusting in Almighty God, an approving conscience and the aid of my fellow-citizens, I devote myself to the service of my native state."

Equally significant were the sentiments of the wife of this great Virginian. Writing to General Winfield Scott, May 5th, 1861, Mary Custis Lee said: "No honors can reconcile us to this fratricidal war which we would have laid down our lives freely to avert . . . Oh! that you could command peace to our distracted country. Yours in sorrow and sadness."[2]

John Janney, on accepting the Presidency of the Virginia Convention, February 13th, 1861, said:

"Gentlemen, there is a flag . . . which now floats over this Capitol on which there is a star representing this ancient commonwealth and my earnest prayer, in which I know every member of this body will cordially unite, is

[1] *Memoirs of Robert E. Lee*, Long, p. 88.

[2] See letter from Mrs. R. E. Lee to General Winfield Scott, in *Life of Robert E. Lee*, Fitzhugh Lee, p. 93.

that it may remain there forever, provided always that its lustre is untarnished."

On the 23d of April, 1861, in notifying Robert E. Lee of his appointment as chief in command of Virginia's militia, he said:

"Virginia having taken her position, as far as the power of this Convention extends, we stand, animated by one impulse, governed by one desire and one determination—and that is, that she shall be defended; and that no spot of her soil shall be polluted by the foot of an invader."[1]

Matthew F. Maury writing on the 11th of May, 1861, said: "I grant them (certain of his Northern friends) sincere, but I cannot but lament in the depths of my heart and in excruciating agony that their delusion is such as to have already allowed the establishment of a military despotism."

Again he wrote: "All of us are of one mind, very cool, very determined, no desire for a conflict. We are on the defensive."[2]

John B. Baldwin, when asked after President Lincoln's proclamation what would be the position of the Union men in Virginia, wrote:

"We have no Union men in Virginia now. But those who were Union men will stand to their guns, and make a fight that will shine out on the page of history as an example of what a brave people can do after exhausting every means of pacification."[3]

In addition to all the considerations set forth in the foregoing pages, the student of history must, if he would fully appreciate the forces which controlled their action with respect to secession and the Civil War, take into

[1] *Journal of Virginia Convention*, 1861, pp. 9 and 187.
[2] *Life of Matthew Fontaine Maury*, Corbin, p. 96.
[3] *School History of the United States*, Jones, p. 239.

account the racial characteristics of the Virginia people. A full portrayal of these characteristics, strongly marked and persisting from generation to generation, must be the work of some other pen. Suffice it here to say that as a people they exalted honor and courage—both in the individual and in the clan; they exhibited the strength of the idealist, combined, on the part of many, with the limitations of the doctrinaire; they decided questions by the standards of abstract right rather than in their relation to the duties and interests of other peoples and other times; they were self-reliant, content to justify the integrity of their conduct to their own consciences rather than to the world; they were tenacious of their rights and regarded a threatened invasion as not only justifying but compelling resistance if the ideals and conditions which make men patriots and freemen were to find an abiding place in their state.

"We are not contending," wrote Washington in 1774, "against paying the duty of three pence per pound on tea as burdensome, no, it is the right only that we have all along disputed."[1]

"It is the principle," wrote Lee in 1861, "I contend for, not individual or private benefit."[2]

Such were some of the predominant characteristics of the people whom President Lincoln's proclamation called to war. In the conflict thus joined between the Federal Government and the Southern Confederacy, the people of Virginia took a stand, predetermined by the beliefs and avowals of successive generations, and impelled by an unswerving idealism found their supreme incentive to action in their determination to maintain the integrity of principle.

[1] *History of the United States,* Bancroft, Vol. 4, p. 29.
[2] *Memoirs of Robert E. Lee,* Long, p. 88.

BIBLIOGRAPHY

Abridgment of Debates in Congress.

Adams, Charles Francis. Lee at Appomattox and Other Papers, 2nd Edition, 1902.

Adams, Rev. Nehemiah. A South Side View of Slavery, or Three Months at the South in 1854.

African Repository and Colonial Journal.

American Antiquarian Society, Proceedings of. New Series, Vol. V.

American Colonization Society, Reports of. 1817-1860.

Annals of Congress.

Arnold, Isaac N. Lincoln and Slavery, Chicago, 1866.

Ballagh, J. C. History of Slavery in Virginia, 1902.

Bancroft, George. History of the United States.

Barnes, Thurlow Weed. Thurlow Weed, 1884.

Blaine, J. G. Twenty years of Congress.

Brougham, Lord. Political Philosophy, 1849.

Bruce, Philip Alexander. Life of Robert E. Lee, 1907.

Burgess, J. W. The Civil War and The Constitution (2 Volumes).

Burke, Edmund, Works of. Little, Brown & Co's. Edition.

Chadwick, F. E. Causes of the Civil War, 1906. (American Nation Series.)

Chambers, William. American Slavery and Colour, 1857.

Chandler, J. A. C. Representation in Virginia.

Channing, William Ellery, Works of. American Unitarian Society.

Colton, Calvin. Private Correspondence of Henry Clay, 1855.

Congressional Debates. Volume XIII.

Constitution of the United States.

Constitution of Virginia, 1829—1830.

Constitution of Virginia, 1850—1851.

Conway, Moncure D. Life of Edmund Randolph.

Cox, S. S. Three Decades of Federal Legislation.

Corbin, D. F. M. Life of Matthew Fontaine Maury, 1888.

Crittenden, L. E. Proceedings of Peace Convention, Washington, 1861.

Curtis, George Ticknor. Life of James Buchanan (2 Volumes), 1883.

Dabney, R. L. Defence of Virginia.

Davis, Jefferson. Rise and Fall of the Confederate Government (2 Volumes), 1881.

Dew, T. R. An Essay on Slavery, 1849.

Dillon, John F. Life, Character and Judicial Services of John Marshall (3 Volumes), 1903.

Diplomatic Correspondence, 1861.

DuBois, W. E. B. Suppression of the African Slave Trade. Harvard Historical Studies, Vol. I, 1896.

Dunn, Jr., J. P. Indiana, A Redemption from Slavery, 1888.

Earle, Thomas. Life, Travels and Opinions of Benjamin Lundy, 1847.

Fiske, John. American Revolution (2 Volumes), 1891.

Fiske, John. Critical Period of American History, 1783—1789. Published 1888.

Fiske, John. Old Virginia and Her Neighbors (2 Volumes), 1897.

Frothingham, O. B. Gerrit Smith, A Biography, 1878.

Frothingham, O. B. Theodore Parker, A Biography, 1874.

Garland, H. A. Life of John Randolph of Roanoke (2 Volumes), 1850.

Garrison, Wendell Phillips and Francis J. William Lloyd Garrison, The Story of his Life, Told by his Children (4 Volumes), 1885, 1889.

Goodloe, Daniel R. Southern Platform, 1855.

Greeley, Horace. The American Conflict (2 Volumes), 1864, 1866.

Green, J. R. A Short History of the English People.

Harris, N. Dwight. History of Negro Servitude in Illinois, and of Slavery Agitation in that State, 1904.

Hart, A. B. Slavery and Abolition (The American Nation Series), 1906.

Helper, H. R. The Impending Crisis in the South. How to Meet it, 1857.

Henderson, G. F. R. Stonewall Jackson and the American Civil War (2 Volumes), 1898.

Hening's Statutes at Large. (Virginia) (13 Volumes).

Henry, William Wirt. Life of Patrick Henry (3 Volumes).

Howe, Henry. Historical Collections of Ohio, 1891. Volumes I, II, and III.

Howe, W. A. DeWolfe. General Sherman's Letters Home, Scribner's Magazine, April, 1909.

Howison, R. R. History of Virginia from its Settlement by Europeans to the Present Time (2 Volumes), 1848.

Hunt, Gaillard. Life of James Madison.

Irving, Washington. Life of Washington (5 Volumes), 1856, 1859.

Jefferson, Thomas, Writings of. Ford (10 Volumes).
Johns, John. William Meade, Memoir of his Life, 1867.
Jones, J. William. School History of the United States, 1898.
Journal of Illinois Convention, 1862.
Journal of The General Assembly of Wisconsin, 1859.
Journal of Virginia House of Burgesses.
Journal of Virginia Convention, 1861.
Journal of Virginia House of Delegates, 1832.
Journal of Virginia Senate, 1832.
Journal of Virginia House of Delegates, Extra Session, 1861.
Kennedy, J. P. William Wirt, Memoirs of his Life (2 Volumes), 1849.
Lee, Fitzhugh. Life of Robert E. Lee.
Lee, R. H. Richard Henry Lee, Memoirs of his Life (3 Volumes), 1825.
Liberia Bulletin.
Lincoln-Douglas Debates.
Long, A. L. and Wright, M. J. Memoirs of Robert E. Lee, 1886.
Lothrop, Thornton K. Life of William H. Seward, 1899.
Lunt, George. The Origin of the Late War, 1866.
Martyn, Carlos. Wendell Phillips, The Agitator, 1890.
Marshall, John. The Writings of Washington (10 Volumes).
McGuire, Hunter and Christian, George L. The Confederate Cause and Conduct in the War Between the States, 1907.
McDougall, Marion G. Fugitive Slaves, Boston, 1891.
McMaster, John B. History of the People of the United States from the Revolution to the Civil War (5 Volumes), 1883, 1900.
Meade, William. Old Churches, Ministers and Families of Virginia (2 Volumes), 1861.
Mercer, Charles Fenton. An Exposition of the Weakness and Inefficiency of the Government of the United States.
Merriam, George S. The Negro and the Nation, 1906.
Moore, George H. Notes on Slavery in Massachusetts, 1866.
Morgan, George. The True Patrick Henry, 1907.
Morris, Dr. Caspar. Memoir of Margaret Mercer.
Morse, J. T. Life of Abraham Lincoln (2 Volumes), 1899.
Nicolay, J. G., and *Hay, John.* Abraham Lincoln, Speeches, Letters and State Papers (2 Volumes).
Nicolay, J. G., and *Hay, John.* Abraham Lincoln, A History, (10 Volumes), 1890.
Niles, Hezekiah. Niles' Weekly Register (76 Volumes), 1811-1849.
Northrup, A. J. Slavery in New York, State Library Bulletins. History No. 4, 1900.

Olmsted, Frederick Law. A Journey in the Seaboard Slave States (2 Volumes), New Edition, 1904.

Outlook, The. New York, February 9th, 1903.

Oregon, Organic and Other Laws of.

Perry, T. S. Life and Letters of Francis Lieber.

Phillips, Wendell. Speeches, Lectures and Letters. Lee and Shepard, 1892.

Pickett, William P. The Negro Problem, Abraham Lincoln's Solution.

Pierce, Edward L. Memoirs and Letters of Charles Sumner (4 Volumes), 1877, 1893.

Plymouth Colonial Records.

Poore, Ben Perley. The Federal and State Constitutions, Colonial Charters and Other Organic Laws of the United States. 2 Parts, 1877.

Randolph, Thomas Jefferson. Pamphlet, September 25th, 1870. Virginia Historical Society.

Raymond, Henry J. Life, Public Services and State Papers of Abraham Lincoln, 1864.

Rhodes, James Ford. History of the United States from the Compromise of 1850 (7 Volumes), 1893, 1906.

Richardson, J. D. Messages and Papers of the Presidents (9 Volumes), 1896, 1897.

Richmond Whig, The

Richmond Dispatch, The.

Richmond Enquirer, The.

Rives, William C. James Madison, History of his Life and Times (2 Volumes), 1859.

Roosevelt, Theodore. Thomas H. Benton, 1899.

Ruffner, Henry. The Ruffner Pamphlet, 1847.

Russell, William H. My Diary, North and South, 1863.

Sanborn, Frank B. Life and Letters of John Brown, 1886.

Schouler, James. History of the United States (6 Volumes), 1886-'99.

Schouler, William. History of Massachusetts in the Civil War (2 Volumes), 1868, 1871.

Schukers, J. W. Life and Public Services of Salmon P. Chase, 1874.

Slaughter, Philip. The Virginian History of African Colonization, 1855.

Slavery Debate in the Virginia Legislature of 1832, Thomas W. White, 1832.

Smith, William Henry. A Political History of Slavery (2 Volumes), 1903.

Spears, John R. The American Slave Trade, 1900.
Stearns, Frank Preston. The Life and Public Services of George Luther Stearns, 1907.
Stephens, Alexander H. A Constitutional View of the Late War Between the States (2 Volumes).
Stiles, Robert. Four Years Under Marse Robert.
Story, Joseph. Story on the Constitution.
Tocqueville, Alexis de. Democrary in America (2 Volumes), 1840. Tr. by Henry Reeves.
Tucker, George. Progress of The United States in Population and Wealth in Fifty Years, 1843.
Tucker, St. George. Tucker's Blackstone, 1803.
Tucker, John Randolph. History of the Constitution.
Tyler, Lyon G. Letters and Times of the Tylers (2 Volumes), 1884, 1896.
United States Reports. Howard, Vol. XXI.
United States Reports. Peters, Vol. XVI.
Washburne, E. B. Sketch of Edward Coles, 1882.
Whipple, E. P. Webster's Great Speeches and Orations, 1879.
Wilson, Henry. History of the Rise and Fall of the Slave Power in America (3 Volumes), 1872, 1877.
Williams, George W. History of the Negro Race in America, 1619-1880 (2 Volumes), 1883.
Wisconsin Reports. Volume III.
Wise, John S. End of an Era, 1899.
Wolseley, General Viscount. General Lee, 1906.
Wright, Marcus J. Trial of John Brown. Reprinted from Southern Historical Papers, 1889.

UNPUBLISHED

Alexandria County Court Records. Will Book No. 4, Clerk's Office.

Amherst County Court Records. Will Books Nos. 11, 13 and 16, Clerk's Office.

Barton, Robert T. Letter to Author, dated March 19th, 1907.

Bath County Court Records. Will Book No. 4, Clerk's Office.

Brown County Court Records (Ohio). Record of Deeds, Vol. A.

Byrd, Colonel William. Letter to Lord Egmont, dated July 12th, 1736. Byrd Manuscripts. Lower Brandon, Virginia.

Cabell County Court Records. West Virginia. Will Book A, Clerk's Office.

Campbell County Court Records. Deed Book No. 2, Clerk's Office.

Clarke County Court Records. Deed Book B., Clerk's Office.

Culpeper County Court Records. Will Book F., Clerk's Office.

Dinwiddie County Court Records. Will Book for year 1803, Clerk's Office.

Fairfax County Court Records. Will Book for year 1799, Clerk's Office.

Fairfax County Court Records. Will Books Nos. 1 and 7, Clerk's Office.

Fauquier County Court Records. Will Book No. 25, Clerk's Office.

Henrico County Court Records. Will Books Nos. 12 and 14, Clerk's Office.

Isle of Wight County Court Records. Deed Books Nos. 15 and 39, Clerk's Office.

Johnston, Dr. George Ben. Letter to Author, dated April 17th, 1907. Virginia Historical Society.

Lee, G. W. Custis. Letter to Author, dated February 4th, 1907. Virginia Historical Society.

Lee, Daniel M. Letter to Author, dated May 28th, 1908. Virginia Historical Society.

Mac Gill, James. Letter to Author, dated April 20th, 1908. Virginia Historical Society.

Madison County Court Records. Will Books Nos. 8 and 9, Clerk's Office.

Maury, Richard L. Letter to Author, dated June 1st, 1907. Virginia Historical Society.

Orange County Court Records. Will Books Nos. 10 and 12, Clerk's Office.

Pittsylvania County Court Records. Will Book No. 1, Clerk's Office.

Prince Edward County Court Records. Will Book for year 1797, Clerk's Office.

Prince George County Court Records. Will Book No. 1 (New Records), Clerk's Office.

Prince William County Court Records. Will Books M. and Q., Clerk's Office.

Rappahannock County Court Records. Will Book 4, Clerk's Office.

Stuart, Mrs. Flora. Letter to Author, dated March 25th, 1908. Virginia Historical Society.

Sussex County Court Records. Will Book K., Clerk's Office.

Thom, Cameron E. Letter to Author, dated July 15th, 1908.

Westmoreland County Court Records. Deed and Will Book No. 18, Clerk's Office.

Washington County Court Records. Deed Book for year 1793, Clerk's Office.

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